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No. S-1

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Thursday, May 8, 1986



Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, May 8, 1986

The committee met at 3:41 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the meeting to order. Amazingly, the committee finished two pieces of legislation and is now back to the everlasting Bill 30 and more deputations. Before we get started, I would like to raise a couple of points.

One is that there are some procedural things we should decide on today, but it would be wise to leave them until the end of today's deputations. There are some people who could not be here right at the beginning of our time, but who will be here later on. It would be wise to have as many committee members here for that as possible.

We have had a request from the Metropolitan Toronto School Board to come before the committee, much as we did from the Metropolitan Separate School Board. I have not responded yet, but at the moment my presumption is that I will advise it that the answer is no for reasons similar to those given to the Metropolitan Separate School Board. We can discuss that again at the end of today's session, in case you do not want me to pass on that message.

Mr. Andrewes: Will you outline the procedural matters so I am prepared to respond?

Mr. Chairman: The procedural matters will not be decided upon until later. We are going to hear other groups and individuals. After today's hearings, we will decide whether we can complete all the deputations by the end of Monday as we hoped we could in terms of trying to do them in two days.

Then we will discuss what scheduling we see for ourselves, given that we have a budget taking away one day's hearings next week and then we have a long weekend taking away one day the week following. Also, I gather there is a possible problem for certain members of the committee on the Thursday of that week. We have a scheduling problem that we have to work out. That would be the nature of it.

Mr. Allen: Would this be an appropriate time to table with you and the committee members the

formal text of the amendments we will be moving?

Mr. Chairman: Certainly. If you give them to the clerk, that would be ideal.

Mr. Allen: There will be a batch of these available very shortly for members and the audience.

Mr. Chairman: The procedure for today will be as follows: Starting immediately, we will ask the Minister of Education (Mr. Conway) to lead us through his statement. We will then hear from the Ontario Teachers' Federation, the Ontario English Catholic Teachers' Association and the Ontario Public School Trustees' Association. We hope we will be able to do all that by 6:30 p.m. and then have five minutes or so to deal with our procedural matters.

Without further ado, it is nice to see the minister again as we shift ministers. I hope we do not have you here quite as long as we had Mr. Elston, but that is definitely possible.

Hon. Mr. Conway: Might I say at the outset that I am pleased to be back. As do all other members of the Legislature, I know of the hard and good work this committee has been doing since I was last a visitor here. I look forward to being with you for the next period. I want to make an introductory statement now.

Mr. Chairman, I would like to begin by thanking you and the standing committee on social development for this opportunity to open clause-by-clause examination of Bill 30, the government's legislation to complete the public funding of the final grades of Ontario's separate school system. The committee has spent many long hours in consideration of this important legislation, and I have every confidence that it will continue its work in that spirit of diligence and goodwill.

In these brief remarks, I simply want to outline and reflect upon the basic principles of Bill 30, principles that all three parties in this province have supported since this historic initiative was put forward by former Premier William Davis almost two years ago. I would also like to recall the events that have transpired since the government tabled this legislation almost one year ago on July 4, 1985.

It has been a very important year in the development of this initiative. Since July 1985, this committee has heard more than 800 submissions from groups and individuals in the public, including school boards, teacher groups and students. They have had many positive and constructive suggestions on how to improve Bill 30 and I am confident we will be able to accommodate many of their recommendations.

This past year has also seen government policy regarding the completion of funding tested in the courts. Several court decisions upheld the government's mechanism to provide interim funding last fall to extended separate school boards. In February, the Ontario Court of Appeal determined that Bill 30 is constitutionally valid and does not contravene the Canadian Charter of Rights. As promised last summer, the government is proceeding according to the direction of the court.

Finally, and most important, the past several months have given us the first year of experience in the implementation of this initiative. The upset and disruption feared by so many did not occur. The massive shift of students and teachers from the public system did not occur. In all, fewer than 6,000 students transferred to the separate system. Fewer than 200 teachers were displaced from the public system and, in the absence of any legislation, all were hired by the extended separate school system with their full rights, salary and seniority intact.

When I tabled Bill 30 last July, I outlined six basic principles I believe characterize the common stance the three parties share with regard to this policy.

The first principle is to protect the viability of the public secondary school system. This remains the cornerstone of our policy through the legislation and through the practice established by the government.

The legislation gives the Minister of Education the right and responsibility to approve or deny extension, based on the viability of both the public and separate school systems in a single area. I have already stated publicly that no single-school community in Ontario will lose its public high school because of the completion of the separate high school system.

I have also asked the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario to consider second-year extension plans with a special emphasis on the long-term viability of programs and the effective and efficient use of existing facilities in both systems.

The government intends to implement this policy without penalizing the separate system or jeopardizing the public system.

The second principle is that the spirit of the letter of the constitutional guarantees must be made explicit in this legislation. I believe that the legislation as written, and as upheld by the Ontario Court of Appeal, supports these guarantees.

The third principle is that, in implementing this policy, we must put the interests of our students first and foremost. A major provision of Bill 30 deals with student access. Throughout the hearing process, we heard many accounts of the open access practices of our school systems and of the importance of completely open access to both high school systems. Therefore, the government has proposed amendments to establish this principle of open access in the bill.

As well, we heard many groups and individuals, inside and outside the separate system, argue that the children of public school supporters attending separate high school should be automatically exempted from religious programs and courses of study. The government has, therefore, proposed amendments to accommodate that opinion and widespread practice and trusts that these amendments will pass in the interests of our students, as they were so eloquently outlined during the extensive hearings.

The fourth principle is that there be no unemployment as a result of this legislation. The government remains firm in its commitment that no public school teacher or employee will lose his or her job because of Bill 30. Under the legislation, employees displaced from the public system will, for 10 years, be identified as designated persons. Then, as designated persons, they will become the responsibility of the separate school board and must be hired with all the salary, seniority, contract status and freedom from discrimination they had while in the public system. These protections last for as long as that public school employee works in the separate school system.

3:50 p.m.

In response to what was heard in committee, the government has moved to broaden these protections by allowing a designated person to refuse a job in the separate school system on the grounds of conscience, and then have an opportunity to receive financial assistance or retrain for another job.

The fifth principle is that the denominational character of the separate school system must be maintained. It is because of this fundamental

principle that the government does not accept any amendments to the bill that derogate from the separate school system's constitutionally entrenched right to hire teachers who give effect to the denominational character of that school system. With Bill 30, we are completing a system that has been funded until the end of grade 10, with a clearly established set of rights. We are not creating a new system, with a new set of rules.

The final principle is to implement this policy in an orderly and cost-effective manner. The government repeats its view that the maximum use must be made of existing facilities. In growth areas of the province, plans outlining capital needs will be considered, but sharing and leasing of existing facilities will be encouraged. Since last February's court decision, school boards in many areas of the province have moved towards co-operative arrangements. I am confident this will become even more widespread once Bill 30 becomes law.

It is now incumbent upon us to proceed with the important task of final examination of Bill 30 before it is passed into law. We have listened to the public and we have heard from the courts. I believe the government amendments have responded to constructive suggestions made during the hearing process, and I thank the committee for making that process possible.

Today we are beginning the long-awaited conclusion of a public policy initiative endorsed by our Legislature almost two years ago. We are beginning final examination of a piece of legislation we overwhelmingly endorsed in principle 10 months ago in a second reading vote of 117 to one. I trust that, as legislators, we will continue in coming days to recall the fundamental principles of Bill 30 and will again work together to complete the process of passing this important public policy into law.

Mr. Chairman: Thank you, Minister. I propose to the members that we hold questions for the minister until we get to the clause-by-clause consideration. As you know from our examination of past pharmacy bills, there will be lots of time for debate. I suggest instead we divide up the time from now until about 6:25 p.m. That should give each group about 50 minutes to make its presentations and to field questions. I hope that is adequate. I propose we move immediately to the deputations.

Mr. Jackson: I have one question. Are there any further amendments from the minister?

Hon. Mr. Conway: We will be sharing some additional material, clarification and regulations with you on Monday.

Mr. Jackson: Will there actually be additional amendments?

Hon. Mr. Conway: There are no substantive amendments. There are some clarifications arising out of concerns that the member for Scarborough Centre (Mr. Davis) addressed, and others with the new subsections 1361(5), (6) and (7) and the regulations thereunder.

Mr. Chairman: The reason you are getting a concern is that we have just been through an experience where an amazing number of amendments were brought in at the last minute.

Hon. Mr. Conway: No.

Mr. Jackson: I would like to put a small condition on my compliment to the minister for the manner in which he provided this committee with the amendments. So far we have not enjoyed that from another minister in your cabinet, but I want to say thank you for getting them to us in the time you did. I hope your amendments are substantive and I hope they are on time.

Hon. Mr. Conway: I appreciate the member's concern. There will only be the clarification on subsections 1361(5), (6) and (7), some minor technical procedural matters and then the regulations. I can assure you they will be shared with you at the very earliest time, which is Monday. I do not contemplate anything beyond that.

Mr. Chairman: That will be very helpful because the earliest we can start the clause-by-clause considerations will be after that.

Will the members of the Ontario Teachers' Federation please come forward and take the appointed seats you left several months ago. I gather, Mr. McAndless, you are going to be leading the group through this.

ONTARIO TEACHERS' FEDERATION

Mr. McAndless: That is correct.

I welcome the opportunity to return to the committee and make a presentation. I would like to introduce the group that is here from the Ontario Teachers' Federation this afternoon. On my far right is Kevin Kennedy, second vice-president of OTF; on my immediate right, Malcolm Buchanan, third vice-president, and on my left, Jim Carey, who is senior executive staff member with OTF.

As I said before, I am pleased to be afforded the opportunity to respond to the recent amendments and to bring to you some of the concerns of the Ontario Teachers' Federation.

The positions presented on behalf of more than 104,000 teachers employed in the public and

separate schools of the province have the support of the five affiliates of the Ontario Teachers' Federation. There has been no consensus on behalf of OTF to support or oppose the legislation presented in Bill 30. Should the proposed legislation proceed, however, the OTF makes the following presentation on a clause-by-clause basis in an attempt to develop the best legislation possible regarding the provision of secondary school education by separate and public school boards of education.

In our second submission of October 1, 1985, we made recommendations for changes in Bill 30. This presentation continues that process in greater detail. Our analysis will deal with clauses of the bill where we have great concerns and, in particular, with the recently introduced amendments.

Subsections 136d(1) and (2) and subsection 136f(3): OTF is not opposed.

In regard to subsection 136f(6), it is our opinion that this section fails to protect teachers who have voluntarily transferred from the public school system to the separate school system. The amendment should apply to all teachers who have transferred voluntarily as a result of the extension of funding to Roman Catholic school boards. Many of these have been transferred since September 1985.

Subsection 136i(3): OTF is not opposed.

Sections 1361 and 136m are of most concern to the federation. We welcome the use of the word "regulations," as stated in subsection 1361(1), in place of the "guidelines" which were to have been issued by the planning and implementation commission. We are looking forward to seeing those regulations as soon as possible. It is our belief that the information contained in the regulations will be of great import to the implementation of these amendments.

OTF strongly supports this move, since we believe it places the responsibility with the Minister of Education, where it rightfully belongs.

OTF reminds the social development committee that our Common Guidelines on Staffing and Contractual Issues, the document presented to the planning and implementation commission in February 1985 and subsequently presented to the social development committee in July 1985, is a more comprehensive and fair document than the legislation presented in subsection 1361(1). The OTF strongly urges the government to develop as regulations for section 1361 the Common Guide-

lines on Staffing and Contractual Issues developed by the federation.

If any members of the committee do not have a copy, we will have copies available for them.

4 p.m.

In those guidelines, the Ontario Teachers' Federation has recommended: (1) a hiring freeze; (2) a filing of the number of teaching positions declared surplus in each panel as a result of the transfer of students to the separate school system; (3) a posting of positions available to public secondary teachers within the separate secondary system; (4) the opportunity for teachers to transfer voluntarily from the public secondary system to the Roman Catholic secondary system, and (5) that the procedures outlined above shall be applied distinctly and separately for each panel, prekindergarten to grade 8 and grades 9 to 13.

Subsection 1361(1), as amended, should be considered as a last resort and not as the accepted initial step in the transfer of teachers due to the operation of a Roman Catholic secondary school.

The federation acknowledges the government's response to our recommendation that the elementary teaching staff, as well as secondary teaching staff, be named in the legislation to protect all teachers against adverse effects caused by the extension of separate school funding.

The federation urges, as it did in its proposal of October 1985, that the Ontario government honour its affirmative action commitments and that it conduct an analysis of the impact on female secondary school teachers with particular reference to their presence in the public and separate systems and their opportunities for advancement.

The federation believes regulations should be developed to ensure that the present balance of female secondary school teachers is not distorted as a result of the extension of funding to the separate school system. The federation believes there must be appropriate role models in both public and Roman Catholic secondary schools.

OTF recommends that in subsection 1361(1) the words "unless the two boards agree otherwise" be deleted from the legislation. To review the federation's position on subsection 1361(1), we believe we must be involved in the drafting of procedures pertaining to the teaching staff. We further believe the regulation drafted dealing with the transfer of teaching staff should follow the common guidelines originally proposed by the OTF.

The federation wishes to go on record one more time with its position that the deployment

of staff from the public school system to the separate school system should be addressed initially by the designation of positions rather than persons. We believe that is properly addressed through the OTF Common Guidelines on Staffing and Contractual Issues.

It is our belief that school boards hire teachers for positions and that relevant clauses in school board-teacher collective agreements refer to teaching positions rather than to persons. Therefore, we strongly urge that the legislation in subsection 1361(1) refer to the designation of positions and not the designation of persons.

OTF recommends that in subsection 1361(2) the words "in each of the first 10 school years" be deleted and that the following be substituted therefor, "until no measurable impact caused by the extension of the separate school system."

Subsections 1361(3) to 1361(7), as amended, are not acceptable to the federation. OTF proposes that the concepts contained in the original proposal, subsections 1 through 8, be maintained and that they include the hiring guidelines developed by the federation to permit a hiring freeze, designated positions and voluntary transfers.

As we see it, the solution to the problem would be to develop as regulations the OTF Common Guidelines on Staffing and Contractual Issues, which I previously referred to, to address the transfer of teachers from the public school system to the separate school system.

The OTF is not opposed to subsections 1361(8) through 1361(17), as set out in section 2 of the bill.

The federation welcomes the improved process outlined in proposed subsections 136m(1) through 136m(15). While we view the staff dispute resolution as workable, we wish to recommend that proposed subsections 136m(1) to (15), as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(1) A dispute in respect of the designation of positions or the failure to designate a person, or the transfer, secondment or promotion of a teacher or other personnel on a staff of a public board, or in respect of the employment of a person designated by a public board, or in respect of an assignment by a Roman Catholic school board by a person designated by a public board may be resolved by application to the tribunal as set out hereunder.

"(2) The parties to the dispute are any of teachers, school boards, branch affiliates, unions, staff associations and other employees without representation.

"(3) The tribunal shall enjoy all powers as set forth in subsections 44(8) to 44(11) of the Labour Relations Act.

"(4)(i) There shall be a tribunal known as the Ontario Separate School employment Dispute Tribunal.

"(ii) This tribunal shall settle disputes of employment as set out in subsection 136m(1).

"(iii) The tribunal shall be constituted on the basis of regions: northwest, northeast, eastern, central and southwestern.

"(iv) Each tribunal shall consist of three persons.

"(v) Each person shall be appointed to the tribunal by the Minister of Education for a period of not less than three years.

"(vi) Each tribunal must consist of one person chosen from a list submitted by the Ontario Teachers' Federation, one person from a list submitted by the Ontario School Trustees' Council and one person from a list submitted by the Education Relations Commission, that person to be the chairperson.

Clauses (vii) through (xvi) refer to the process and time lines to be introduced and operated by the tribunal. I shall not read them, because I am sure they are familiar to those who are familiar with labour legislation.

Moving on to page 12, the OTF proposal provides for a greater permanence in the tribunals, a regional base and the opportunity to deal with disputes with efficiency and care. We have replaced the planning and implementation commission with the Education Relations Commission because we believe the ERC will be more aware of branch affiliate collective agreements at the local level and consequently will be better able to respond to the needs of all parties involved in a dispute.

4:10 p.m.

The OTF wishes to recommend that in each of proposed subsections 136ma(1) to (3), the number "60" be amended to read "30." We believe tightening the time line from 60 to 30 days will cause the process to move with greater efficiency and alert the parties involved to the need to resolve the dispute and reach a decision in respect of that dispute. These are, after all, people, human beings, with whom we are attempting to deal. Time becomes important when it relates to one's source of income.

The OTF is not opposed to section 136mb, as is the case with sections 136mc and 136md. The OTF is not opposed to subsections 136n(1) and (2) or to subsections 136o(1) to (4).

The federation is not able to support the amendments in subsections 136o(5) to (15). We believe the basic intent meets the general concerns, but the legislation does not extend far enough to cover all students, as it should. Students in part XI schools, as defined under the Education Act, are not exempted to the degree that students attending anglophone schools would be.

The OTF suggests the position taken in our proposal of October 1, 1985, is a better manner in which to deal with the variety of situations that might prevail. That position is as follows:

1. Upon written application by the pupil or, if the pupil is a minor, by the parent or the person who has lawful custody of the pupil, together with written reasons supporting the application, a Roman Catholic school board shall exempt a pupil from programs and courses of study in religious education if: (a) the pupil is enrolled in a program that is not otherwise available to a pupil in a secondary school operated by a public board within the area of jurisdiction of the Roman Catholic school board; or (b) it is impractical by reason of distance or terrain or by reason of physical handicap, mental handicap or multihandicap for the pupil to attend a secondary school operated by a public board.

2. A Roman Catholic school board may exempt, upon a written request, from programs and courses of study in religious education any other pupil who is not a Roman Catholic.

3. Where a Roman Catholic school board refuses a request for an exemption under subsections 1 and 2, the director of education or, if there is no director of education, the appropriate supervisory officer of the board shall give written notice of the refusal together with written reasons to the pupil or, if the pupil is a minor, to the parent or other person who has lawful custody of the pupil.

The OTF is not opposed to sections 136p, 136q, 136r and 136s.

The federation commends the government for accepting the federation's position as it pertains to the role and responsibility of the planning and implementation commission.

The federation suggests that the word "may" be changed to "shall" in subsections 136t(1) to (3), making subsection 136t(4) redundant. We believe this is a very important process on the part of the school boards and one that should not be left to the discretion of the planning and implementation commission. If subsections 1 to 3 are reworded, subsection 4 could be deleted.

The OTF is not opposed to sections 136u, 136v, 136w and 136x.

The federation supports the process as outlined in clauses 136xa(a) and (b) but wishes to underline the importance of consultation involving the branch affiliates at the local level to maintain a positive approach in transferring teachers from one school system to another. Maximum consultation will result in the most positive and satisfactory outcome for all people concerned.

The federation has serious concerns about the amendment in subsection 136y(2) since it removes the school closure policy contained in the Education Act from applying with respect to the transfer or use of property under sections 136a to clause 136x(a). The school closure policy guidelines have proven workable to all parties who have an interest in the decision and there are places in the province where these guidelines are referred to in various collective agreements.

Some collective agreements across the province make reference to redundancy procedures to be followed in relation to the school closure policy. To bypass the procedures set out in subsection 150(1) of the Education Act could mean that some of the basic procedures held by the teachers in their collective agreements would be taken away. We raise this concern for the consideration of the standing committee on social development.

Subsections 3(2) and 3(3): OTF is not opposed.

Sections 4a and 4b: OTF is not opposed.

On behalf of the federation and the teachers of Ontario, we wish to thank the chairman and members of this committee for their consideration of our concerns. The Ontario Teachers' Federation continues to promote the best interests of public education in Ontario and to maintain the excellence of our public education systems. It is our hope that we will have an opportunity, as I mentioned earlier, to see the regulations as soon as possible.

That concludes our presentation. We are prepared to answer any questions, although I am sure you are familiar with much of it.

Mr. Chairman: Thank you, Mr. McAndless, for your third presentation, also a very helpful one as we start to go through clause-by-clause. I am sure the members will hold it as a reference for themselves.

I gather from the minister that we are expecting regulations to be able to be made public on Monday, so you will have a chance to see those. I also hope the major deputants who

are coming to talk to us in the next couple of days will also have representatives around as we go through the clause-by-clause in case there are further matters on which we wish to have some dialogue on an informal basis. We had several time-outs during the pharmacy bills recently.

Mr. Reycraft: I would like to discuss briefly your concern about the insertion of "unless the two boards agree otherwise" in subsection 1361(1).

As we conducted the public hearings last summer and fall, we heard about a number of situations where boards and teacher federations had been able to come to a local agreement to solve the problem of displaced teachers. It seemed to me that everybody was satisfied with those local arrangements; many of them specifically provided for secondments. I believe the insertion of those words allows some flexibility that is going to be lost if we remove them. I would like to hear more of your concern about its inclusion.

Mr. McAndless: There are three things I would like to add there. We believe the teachers involved have to be very much involved in the direction that is going on. We are concerned that the two boards could produce some sort of—for lack of a better word—sweetheart deal between them that could ignore and disregard terms and conditions that may have been outlined in both collective agreements of all parties. Our concern is that the people who are directly involved, the teachers, have to be very much involved in this and that the collective agreements have to be respected on both sides.

Mr. Chairman: Mr. Buchanan would like to add something.

Mr. Buchanan: Mr. McAndless did make the point about the sweetheart arrangement. It is a grave concern, when we are dealing with legal documents called collective agreements, that they are taken into consideration. We are gravely concerned that we were dealing with two management groups making decisions that may not be in the best interests of the teachers and the collective agreements, which are legal documents.

4:20 p.m.

Mr. Reycraft: I understand the concern. If the legislation provided for agreement with the affected employee groups, would that relieve your concern?

Mr. McAndless: It would solve a major part of the concern in that there are collective agreements and two parties to those agreements.

As it is written there, the two boards could draw up an agreement and represent only one side of the collective agreement that has been determined. There must be some guarantee to ensure that teachers' rights are protected. The only way we can see that is through the various bargaining units and branch affiliates making sure they have appropriate representation and are involved in these kinds of agreements.

Mr. Reycraft: My other question deals with an argument we heard frequently last summer about positions versus persons. As we envision how the process will work as laid out in the bill and amendments, it seems to me that first there has to be an identification of a number and then you follow with an identification of individuals. If that is the case, is there substantial difference between your position and that of the government?

Mr. McAndless: Our concern, again, is if you start by designating persons, you tend to create unnecessary traumatic worry among those individuals. When a school board is hiring or disemploying a group of people, it first has to determine the number of teaching positions it has. Once it has the number it puts people into them and knows how many teachers will be surplus. Within the collective agreements there are a variety of processes that have been negotiated by the branch affiliates to determine how people will be assigned based on those positions.

Going from positions to persons is determined in collective agreements. Therefore, the legislation is required to name the positions. After that, collective agreements across the province will determine the process of arriving at persons and will create far less trauma among the teaching staff.

Mr. Allen: I welcome the Ontario Teachers' Federation back into this forum to engage in a few more questions of clarification. Thank you very much for your detailed brief.

I would like to pursue the first question Mr. Reycraft raised about your concern with the capacity allowed by the government amendments to coterminous boards to draw up their own arrangements if they are satisfactory. Can you as people experienced in the bargaining process clarify the technicalities of that kind of situation? How far is it possible for two coterminous boards to draw up special arrangements that would have an adverse impact on your collective agreement, which is a legally binding document?

Mr. McAndless: In most collective agreements today there are processes whereby redundancy is determined within program, within the school or within various areas of the school. The management aspect of school boards trying to work out an agreement might disregard the key part of the collective agreement.

One could be concerned that the two boards might come up with other agreements that might adversely affect or impinge upon the collective agreements of either party. We feel it is therefore unwise to have only the management portion involved with the collective agreements, that all parties, especially teachers, who are more directly affected by this, should be very much involved through their branch affiliates in developing these kinds of agreements.

Mr. Allen: I agree with that contention. What status would the two documents have side by side, given the contest between them? I guess that is a matter for litigation which we want to avoid if we can.

Mr. McAndless: That would be a good suggestion.

Mr. Allen: Caution is the better course of wisdom.

Would it help you to see in that section of the act an amendment that would provide for the superiority of the collective agreement with respect to all relevant matters?

Mr. McAndless: Our basic concern is that the collective agreements on both sides should be respected. We have said before that the teachers, through their branch affiliates, must be involved in trying to develop these agreements between the two boards. If there were some sort of agreement or process whereby the sanctity of the collective agreement would be protected, you have to involve the branch affiliates.

Mr. Allen: I do not expect it would happen that any of your affiliates would bargain away less than the bill provided. Even given the eventuality that there is a kind of tripartite or quadripartite—or however partite we get on this thing—structure for setting out any additional or substitute set of arrangements in a local situation, would it help to have a section in the act which would require that any local arrangements would have to be of superior benefit to the parties the section was intended to protect?

Mr. McAndless: Yes. I suggest the process would be that they would have to be agreed to by the branch affiliates.

Mr. Buchanan: That would be in line with the principle reiterated today by the minister that no

teacher shall be adversely affected. That principle would be in keeping with that suggestion.

Mr. Kennedy: Also, if you are going to make any changes at all, for example, to facilitate voluntary transfer, it is better to have such arrangements made with all parties present. Making sure they are there from the beginning would enhance that.

Mr. Allen: Part of the question about physicians and persons that Mr. Reycraft asked depends upon what the regulations provide. My own conviction, and I thought we were all convinced in the course of our hearings, is that the procedure you outline is much the wiser one to follow.

Again, I am not an expert in collective bargaining and dispute resolution. You have detailed your preferred option under subsections 136m(1) to 136m(15). Can you perhaps speak informally, and generally, as to why this set of proposals is better than what has been proposed in either the original bill or the amendments proposed by the minister?

Mr. McAndless: We believe that this set of proposals provides for better distribution of representatives; in other words, three people will be proposed—by the federations, by the trustees' council and by the Education Relations Commission. We did point out that the ERC, in our opinion, because it is working constantly with school boards and branch affiliates in regard to collective agreements, is reasonably knowledgeable in that area. We feel that will provide a nice balance of all three parties being represented.

We believe that three years provides for stability. It is hoped that the regionalization provides reasonably quick settlement in determining this. We stressed that in another part, where we talked about the number of days being reduced from 60 to 30. Again, we think the regional aspects of it, such as greater permanence, are the key ones.

4:30 p.m.

Mr. Jackson: Without having to review the common guidelines for staffing that have been referred to once already, for the purposes of the record today we may be able to get some general responses with respect to where I believe the bill is silent. There is some concern about the treatment of sick-leave credits, and I do not know if I picked up any of that in your presentation. You might want an opportunity to comment on that in a little more detail.

Second is absence of any reference to the retirement gratuity and protection, since there is considerable variance between the two systems.

The third question I have—and you can lump them all in—is on any reference to slip-year adjustments for boards. You might care to comment on that, because I have not seen adequate treatment of that so far in the legislation. Perhaps you might want to comment generally on those three areas.

Mr. McAndless: Within the common guidelines, as we have heard, section 3, “Rights,” outlines fairly clearly the federation’s position. Within this brief, I believe the sections that deal with those particular rights were not opposed by the federation. We are silent, and do not have a comment, on slip-year adjustments.

Mr. Reycraft: I would like to get a little more explanation of the concern you express on page 14, the matter of exemption from religious studies. Can you expand a bit on why you think the amendment is not as broad in its application as you feel it should be?

Mr. McAndless: The key element we are talking about involves students in part XI schools as defined under the Education Act. A good number of these students currently attend public French-language secondary schools across the province. In those communities, a number of the schools will in all likelihood become Roman Catholic secondary schools, and there will be only one French-language school.

It is our concern, and the concern of our members, that these students, because of that and because they are Roman Catholic, will lose the opportunity they currently have under the public school system. By proceeding as we have here with these recommendations, we look after those students, and we are talking principally of the students currently attending part XI schools.

I think we all recognize that French-language schools are going to pose some problems in the province, particularly in those areas where there is going to be only one French-language secondary school.

Mr. Reycraft: I assume you disagreed with the amendment in terms of its broad application in other schools.

Mr. McAndless: We feel that the recommendation we have here covers it more clearly than the recommendation that was provided.

Mr. Reycraft: Mr. Chairman, I am not getting my question across.

Mr. Chairman: Try again.

Mr. Reycraft: The proposal is that in schools other than part XI schools, non-Catholic students are to be exempt from religious studies. Do you disagree with that position?

Mr. McAndless: That they are automatically exempt?

Mr. Reycraft: Yes.

Mr. McAndless: We believe that if the student is enrolled in a Roman Catholic school and does not wish, upon written application, to take religious instruction, we would presume it is because the program he wants is not available in a public school. Therefore, we feel this provides him with the same opportunity that would exist for all.

Mr. Reycraft: Why do you feel a written application should be required?

Mr. McAndless: It is our belief that the student has attended the Roman Catholic school for a reason, and if he does not wish to take religious instruction, there must be a reason. We have outlined some of them: distance, terrain, or whatever it may be.

I stress the fact that those students who attend part XI schools will be among the largest number of students who will not have any choice. In other words, they want the French-language program. It is available only in that school, therefore they will be the ones involved in most instances. An example might be a particular music program that is offered, or something of that nature. It is part XI students who we are principally concerned about with these recommendations.

Mr. Chairman: Mr. Carey, do you have any comments you want to add to that?

Mr. Carey: I think it has been answered. We are putting some onus on the students and parents in the application. We are not talking about access to the school but we are talking about exemptions from the religious program. Our concern is that the should be offered in the best sense for all students, be they in a school or in a Roman Catholic secondary school. This is putting the onus on the student and his or her parents. They are making the application and it will be granted that they have reason to do it.

Mr. Allen: I have a quick question on the part XI school issue. Can you see it being legitimately argued that a student attending a part XI school is going for special program reasons, and therefore would be considered exempt under either the provisions of the original act or the first parts of your recommendations?

Mr. McAndless: When we looked at the recommendation, the students could declare that they were public school supporters and then attend. We felt that was attempting to be devious to accomplish the same end. We feel this lays it out very clearly and provides the exemption if

there is a program reason. There should be no problem with it. We felt this was a more straightforward approach to it than the other.

Mr. Reyecraft: I do not understand the basic procedures held by teachers in their collective agreements that they would lose if the school closure policies were bypassed.

Mr. McAndless: As outlined on the top of page 18, a number of collective agreements—and there are some collective agreements—in dealing with the redundancy situation, refer to the guidelines that have been set out in the Education Act for the closure of schools. There are certain time lines and so on that are referred to in the collective agreement. By eliminating that, it may stop those clauses in the collective agreement from being able to kick in. Mr. Buchanan may be more familiar with the steps they go through at secondary school level and he may be able to shed more light.

Mr. Buchanan: There are a number of collective agreements in existence that specifically have written into them, either in letters of intent or wedded into the complete collective agreement, provisions dealing with school closures and how the staff would be assigned to other schools within the board's jurisdiction and so on. It is detailed in clausal language and it is specific.

Our concern is that if the guidelines are currently in existence regarding school closures, then the effect on the collective agreement and what is written there, what has been agreed to among the parties, may be superseded and lost. I do not think that is the intent of the legislation, but that is what could happen at the local level. We are very concerned about that.

The other point we are making is that the school closure guidelines have worked adequately in a democratic society to allow the population on the school board and all interested parties to have adequate say on the closing procedure so that other issues can be adequately dealt with. However, they are in collective agreements now with specific language which we believe is important.

Mr. Reyecraft: Under a school closing, how would the redundancy procedures differ from the general redundancy procedures that might be established in a collective agreement?

4:40 p.m.

Mr. Buchanan: The idea of positions with responsibility, how they will be moved and whether there is going to be any red-circling of positions—if they are not available in another

school, people may have to assume another position until one becomes available. It hooks in, of course, with our guidelines, which we have circulated, regarding people moving into the separate school system too.

Mr. Chairman: Mr. Jackson has another question.

Mr. Jackson: It was a supplementary, but I think Mr. Buchanan covered it for me.

Mr. Chairman: Thank you again for the presentation. It is very helpful indeed. I thank committee members for their disciplined questioning.

Mr. McAndless: Thank you for the opportunity to present again.

Mr. Chairman: No doubt we will be seeing you later.

Our next presenters are from the Ontario English Catholic Teachers' Association. Welcome, Father Kavanagh. It is good to see you again, and Mr. Fauteux. Who is going to lead off this time?

ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION

Mr. Fauteux: Father will give you his homily later, probably. I will be the first today.

Please allow me to introduce my partners who have assembled with me this afternoon: the president-elect of the Ontario English Catholic Teachers' Association, Jim Cooney, on my far right, and Father Frank Kavanagh, our general secretary; to my immediate left is our deputy general secretary, Doug Knott.

I will make my oral report as brief as possible so that we might spend time discussing some of the issues that I know you have found central. I will begin by expressing my gratitude for having the opportunity to present one more time and, on behalf of our members, by thanking the committee, which has sat for such a long time on Bill 30, for its attention and generous reception of the many presidents of my affiliates who have made presentations to this committee throughout the summer and the fall. We remain grateful.

To begin, we would like to discuss the spirit of co-operation in which OEFTA feels it has participated with the Ontario Teachers' Federation, trustees, administrative officials and members of the planning and implementation commission. In coming before you today, we feel there has to be an understanding that three items are central: first, that teachers were and are being treated fairly and justly without loss of a teaching position or moneys; second, that school boards

were able to maintain excellence in their education; and third, that the Roman Catholic separate school boards of this province were able to retain the specific religious nature and yet expand their secondary school programs.

If we look at the school year 1985-86, we notice that this transition has occurred smoothly and efficiently. Approximately 170 teachers moved from a public secondary school system to the Roman Catholic school system, and of those 170 teachers, 163 transferred voluntarily. Our estimate is that there will be 200 transfers in September 1986 due to the extension to the end of grade 12. We are pleased to report that, to the best of our knowledge, every separate school board has been equally diligent and has recognized the rights of designated teachers and of the voluntary designated teacher.

This afternoon OECTA proposes that my response to the amendments to Bill 30 be in two areas: section 1361, the transfer of personnel from the public school system to the separate school system, and section 136m, the resolution of disputes respecting the process and the result of transferring personnel. This association is of the view that Bill 30 does not require major amendments, and the amendments I have read in the past little while sometimes seem to be unnecessary.

The amendments proposed by OECTA to sections 1361 and 136m are stated briefly in the paragraphs within our brief, and I wish to draw your attention to them. With regard to subsection 1361(1), which we have already talked about, positions rather than persons should be identified, and I am pleased with responses I heard from a previous presentation. Teaching positions should be clearly separate from supervisory officer positions, secretarial positions, custodial positions or any others found within either school board.

In subsection 1361(3), teachers, supervisory officers and other personnel who wish voluntarily to fill the designated positions ought to be afforded the protections of designated teachers. The term "red-circling of salaries," seniority, contractual status, sick leave credits and gratuities should be in place equally for the volunteer and for the designate. As well, the full complement of designated positions, if not filled through the voluntary transfers, can be accomplished by the designation of specific persons.

The association believes that in the minister's proposed amendments to section 1361, the voluntary aspect of the designated teachers is not included. We say that 1361 should be further

amended to permit this voluntary designation. The association also believes that the amendment to subsection 1361(1) that puts the planning and implementation guidelines in the form of regulation is a worthy amendment. We do not, however, understand the inclusion of "unless the two boards agree otherwise." We propose that the phrase should be removed, although I do understand the question Mr. Reycraft posed earlier.

Of course, OECTA supports the amendments to subsections 1361(8) through (17).

Many presentations during the hearings pointed to the inadequacy of the procedures for resolving disputes, and that is why OECTA comes before you concerning section 136m. The association is of the opinion that this section should be substantially amended in order to achieve the following:

First, the arbitration of disputes ought to be resolved through an expedited arbitration process under a standard tribunal or a single arbitrator appointed by the Education Relations Commission.

Second, the arbitration procedure established by the School Boards and Teachers Collective Negotiations Act ought to apply.

Third, the branch affiliate representing the teachers in a dispute should be determined by the school board with which there is a dispute.

Last, this section should also be amended to include a guarantee that the branch affiliate will fairly represent the teacher having the dispute.

To comment on the minister's amendments to section 136m, the association has examined the proposed amendment to the dispute-resolution process and is of the opinion that the clarifications sought have been achieved. We continue to support the recommendation that the Education Relations Commission should appoint standing arbitration boards or arbitrators throughout the province who would hear the disputes and render their decisions in a matter of days rather than weeks. However, if the voluntary transfer route is encouraged and included within section 1361, I believe the number of disputes will not be great.

4:50 p.m.

In summary, a few recommendations to the Education Amendment Act, 1985, that OECTA has proposed will, in our view, accomplish two very important objectives: (1) Voluntary transfers to fill designated positions will be recognized and encouraged; and (2) disputes will be resolved effectively and expeditiously by utilizing the experience of the Education Relations

Commission and the dispute-resolution mechanisms the ERC has developed.

From June 12, 1984, the day that full funding for the completion of the separate school system was announced, OECTA has endeavoured to meet the valid concerns and fears expressed by our public school colleagues. It is our belief that the accommodations and positions we have taken with respect to the proposed legislation will: assure teachers who move from the public school system to the separate school system that their employment compensation, security and career aspirations will be recognized and treated equally; ensure the integrity and viability of both school systems; continue to ensure that the implementation of full secondary school programs within the separate school system can take place with little difficulty; and ensure that fair and speedy resolutions to disputes can be effected if there are some amendments to section 136m.

Finally, it is our hope that the passage of the amended bill will occur as soon as possible in order that OECTA, in conjunction with the affiliates of the Ontario Teachers' Federation, can attend fully to the resolution of the many educational problems confronting Ontario. We hope to discuss soon issues such as the overall financing of education; the rigidities of the Ontario Schools, Intermediate and Senior Divisions; the early primary education project; and the projected teacher shortage of the 1990s.

These educational issues are many and they require, in my opinion, the immediate and creative attention of the entire education community. It is our hope that, having addressed the legitimate concerns of both the public and the separate school systems, we can proceed with the business of furthering the goals of education in this province.

Attached to our document is the act, with side notes about OECTA's individual concerns for each item. I hope I have left sufficient time to answer inquiries.

Mr. Chairman: Yes, we have all sorts of time. Thank you for the presentation. We also look forward to the day when we can discuss other educational issues. I was hoping we could talk about the enhancement of science policy, because I know it stirs the minister to great rhetorical heights, as we saw today in question period. But today let us just stick with Bill 30. I know it is going to be tough, but let us try to do that.

Mr. Fauteux: I am not qualified to talk about science.

Mr. Chairman: It did not bother the minister.

Mr. Allen: We will have to reserve that subject for another occasion. Maybe we can have the minister back for a special discussion.

Welcome, OECTA. It gives me some pleasure to go through your amendments and to try to assess how they sit with other amendments. We are now getting into that piling heap of alternatives to just about everything, and life will be a little bit confusing for a while, I suspect.

Can you tell me whether, in the main, your concern about the phrase "unless the two boards agree otherwise" is principally the same as that of the OTF and whether, therefore, the questions that were asked of it earlier would be responded to by you in the same fashion?

Mr. Fauteux: My concerns are the same as those in the OTF response about the need for teachers to be recognized in the collective agreements.

I would like to point out to the committee that I am aware that individuals acted in good faith before there were planning and implementation guidelines, before there was any indication of what a Bill 30 would look like, and that they went about in their communities setting forth a pattern and guideline that would be respected within those communities.

As we have said to the planning and implementation commission and to this committee in the past, the best agreements are local agreements, and we will continue to support that idea. However, these local agreements must include all parties. In our opinion, they must include trustees, supervisory officers and teachers. Parents may also wish to join these kinds of committees.

When I saw this amendment, I had difficulty with the words, not the intent. I thought they were unnecessary, because they did not project the intents I had found in previous discussions. That is why OECTA suggests they are unnecessary.

Mr. Allen: You are aware that some of those agreements you referred to evolved as a result of consultation that was wider than between the two boards.

Mr. Fauteux: The ones I am most familiar with, such as the Kingston arrangements, the Thunder Bay arrangements and the Windsor arrangements, did include the participation of all members in the community. They included participants of each of the interest groups, if you will, and that is a very good thing.

Mr. Allen: May I ask you the same question with regard to the section on dispute resolutions?

When it comes down to details, is the insertion of the Ontario Teachers' Federation option your preferred way of dealing with section 136m?

Mr. Fauteux: As I indicated at the outset, we support the position of the OTF. As an affiliate of the OTF, we have spent considerable time discussing the amendments we would suggest to you, and that is why we get very specific and we detail well our amendments to proposed section 136m. We are looking to expedite the matter, to do it quickly and to use the expertise that already exists within the education community, which is the Education Relations Commission. We see that as an appropriate method, and that is why we have detailed it at such length.

Mr. Allen: Glancing through the pages of the text you have at the back of the document, I think that is the original bill.

Mr. Fauteux: Yes, it is.

Mr. Allen: You do not have an overlay with the minister's amendments and what you would do with them?

Mr. Fauteux: It is not necessary. The overlay is not totally necessary. If you refer to the right-hand column, it has our opinions of specific items until there is a change.

Mr. Allen: Will you respond to the amendments that provided for what is called open access on the part of students to the Catholic school? I know there are other passages in the Education Act in which considerations of space still apply. I wonder how you read the amendments the minister has tabled in relation to those various sections of the act that still qualify or refer to the availability of space. In other words, putting those amendments alongside the act, is the access as open as it seems, or does the act wipe out the space availability question entirely, in your view?

Mr. Fauteux: Being the good teacher that I am, I talked to you even before Bill 30 and before June 12, 1984, about my concern about space in separate schools and about children in portables. This has been going on for some time. The question of access does not concern me at all as it deals with Bill 30. I am concerned about space for all students.

I have asked this committee in the past whether that is not a consideration one has to take into account in a large, growing urban board: the fact that a student comes forward and asks for a program.

I hope regulations clearly indicate that a student asking to attend a separate school will do so by a significant date so that people can put

together appropriate plans to ensure that a viable program is afforded for all students. I am not concerned about who attends a Roman Catholic secondary school or elementary school. The question of access does not trouble me, but the accommodation has troubled me for a long time, and it is not just in particular reference to the secondary school situation.

5 p.m.

Mr. Allen: With regard to the issue of religious exemption, I am not sure whether the minister's memory and mine are somewhat different with regard to what we heard. I do not recall hearing from all quarters general unanimity that the religious exemption question really was of no account or that the separate school representers, by and large or for the most part, argued it was not a matter of very great importance whether there was a right to exempt students who went to the school by choice as distinct from those who went because of the programs or some other kind of necessity.

I recall that most of the separate school presentations agreed on the latter point. Where a student went by reason of special programming or some kind of necessity that could be demonstrated, there was a great willingness to accommodate that student and not to require attendance at classes of religious education.

On the other hand, I thought I heard a good deal of concern about the system and its distinctiveness in relation to a student who came by choice and did not recognize that it was a distinctively separate school that stood in a certain tradition and position vis-à-vis the public system as a whole. There was a good deal of concern that the distinctiveness could be compromised. I thought I heard that fairly frequently.

I recall a fairly notable moment late in our hearings when Tom Riley, I think it was, formulated a rather subtly nuanced position, which said that students who come by choice should feel some sense of obligation to take the whole program because otherwise why were they coming, but that given they might insist they have some kind of exemption it would not be denied them. Will you clarify for me how you heard things and your reading of the present status?

Mr. Fauteux: The status of exemption has been central to a lot of inquiries I have had in the past few months. From the outset, Mr. Allen, the Ontario English Catholic Teachers' Association has believed that the present provisions of the bill were adequate to take care of this question of exemption from religious education.

We are not opposed to there being some expansion of that. However, let me talk a little about religious education in a Catholic school, be it elementary or secondary. There is always the belief that it is restricted to 40 minutes; it is not. Religious education permeates the entire syllabus of the curriculum; you have heard me use that expression. It is not isolated to a 40-minute class. When you talk about an exemption, you are talking about exemption from that 40 minutes, but it would be impossible to exempt the child from the rest of the school day and there will be religious education in that community.

The student who chooses to come to a Roman Catholic school will do so for lots of reasons. I was impressed this summer when I saw some of our students sit before you and explain why they chose to come to a secondary school and accept the religious program even though they were non-Catholic. I think those provisions will continue after this bill is passed.

Why does a 15-year-old choose to take religious education programs? If you can answer all those reasons, I suspect you are still 15 because I cannot answer all those reasons any more. What an adolescent does in his thinking pattern in moving forward sometimes leaves me blind, but I know that they are influenced by their peers and that they are caught up in the philosophy and growth of the school and in the activity that surrounds their entire day. Whether this exemption is placed in the bill in its present form or is amended, I do not believe we are going to see a vast number of students banging on the principal's door and saying, "Let me out." It is not going to happen. They do not focus on that.

Mr. Chairman: You may be shocking a number of the members here in making politicians think they should be moving past adolescent decision-making; I warn you about that.

Mr. Jackson: I will not call this a supplementary; that would frighten you. However, I want to continue with the points raised about access equalling space availability. We spent a considerable amount of time around the province receiving case situations on this point. I am unable to find in your presentation reference to the minister's amendment, which is number 21 for our purposes, but it is subsection 136y(2) and refers to compressing school closure policies. Perhaps I have missed it, but what is your position amendment? Are you satisfied with the current school closure policy as set out by the ministry?

Mr. Fauteux: I have to look at that a little more closely. When the Ontario Teachers'

Federation was before you and a similar question was asked, I recall my answer from the back of the room was, "Yes, I concur with the minister's amendment." I do not see a lot of difficulty in his proposal.

Mr. Jackson: The previous group made reference to specific concerns relative to staffing, notice and reallocation of staff. Given that the current plans are a little in excess of two years, we have to assume that we are looking at something that would occur within a year's time frame, or else the minister would not feel it necessary to put that in. From a federation point of view, do you agree that a one-year compression on declaring redundant and re-outfitting a secondary school in any community in this province is a process that should not be done within a year?

Mr. Fauteux: From a federation point of view, I am concerned about teachers having sufficient lead time to understand what their employment status would be in the ensuing year. It would be helpful if proposals that would speed up a closure process could be identified early to identify clearly the positions and the status of their employment for the ensuing year. The federation thinks this should be done as quickly and as expeditiously as possible for teachers who would be affected by the closure of a school or the transfer of the property and who, in effect, would be changing employers.

Mr. Jackson: Not as a federation representative but just as a member of any given community, do you not feel, in the spirit of co-operation, that the process should not necessarily be done as expeditiously so that all parties to a school closure—what we are really saying is a transfer of a facility—should be given ample lead time so they can be made aware of and understand all the factors that go into it?

Mr. Fauteux: You are assuming that school—

Mr. Jackson: I will preface the question with 10 years of experience as a trustee. When we closed a school in six months there was confusion, but when we took two years we got public support because they understood the program benefits that came as a result of that in many instances. I am trying to suggest to you from practical experience that it is better to get the public on your side in any educational enterprise to ensure its success.

Mr. Fauteux: Now you are changing—

Mr. Jackson: I have asked you to distinguish between a federation response and a response on behalf of the community.

5:10 p.m.

Mr. Fauteux: I am trying to respond as a federation president because the latter part of your question implies the transfer of bricks and I would like to leave that quite separate. When there is a transfer of a school and you are implementing the school closure, unless it is a single-school community, which is another problem, not all the teachers in the school that closes would have to nor would they transfer to the Roman Catholic school system. Some of them would have greater seniority than a teacher in another neighbouring school. The impact is not just on that school community; it has an effect across the whole public school system.

I do not want that lead time to be so long that it leaves me anxious for a long period. I think you can shorten the process. The teachers protected by OECTA will be guaranteed their rights of employment with the separate school system as designated teachers assured of their salaries and benefits. What they are looking for is not so much the sense of security of, "Will I have the dollar next year?" but of, "Where will I be teaching, for whom and in what program?" That is why I suggest we need to speed up the closure process, not slow it down.

Mr. Jackson: Am I to infer from this that the current legislation and time lines are far too protracted in your view? That is not relative to Bill 30, but just the current guidelines from the ministry; they are obviously too protracted.

Mr. Fauteux: When you are talking about that school closure, you are not necessarily talking about the protection of the teacher in his or her employment. If you close an elementary school in a Roman Catholic school system which is not affected by the growth of the secondary school—I use it in this case—there will be teachers in that system who could be declared redundant because you have just closed a building with a certain number of classrooms. You need a longer lead time there because those teachers need to know that they can seek employment with another school board.

When you are talking about how it affects Bill 30, you can shorten it and speed it up, because the rights of teachers will be protected. They are not going to lose their jobs. They will be employed by either the public or the separate school system. There is no job loss in that scenario.

Mr. Jackson: I am sorry, John. I was trying to create the distinction between a federation view and the public view of this issue. The students are involved in the disorientation involved in a

school closure under current circumstances or under Bill 30. The public will be involved in a unique way in Ontario's history as a result of this. Therefore, I feel this question merits a considerable examination, not only from your vantage point as a teacher but also from the vantage point of its impact on the community.

I will try to be brief. My second question also has to do with the issue of accessibility. You made reference in your brief to concurring with the amendments that would put in legislation an acknowledgement of the impact on public elementary teachers. Given your responses to Dr. Allen with respect to religious instruction and your limited concerns about allowing the exemption across the board for students in this second public system, do you not agree that we should have equal, open access in the elementary panel with the same rights and privileges that students, parents and taxpayers enjoy at the secondary level, as will be set out in this legislation?

Mr. Fauteux: No.

Mr. Jackson: May I ask why?

Mr. Fauteux: Sure. You are talking about two different students here. You are talking about a student who chooses a course or a program in secondary school and gets somewhat selective, especially in the latter years. The first part of your question about access does not trouble me at all. I have taught for 16 years. There has always been a non-Catholic student in my classroom. I did not always identify him on the first day. Sometimes it would take me a couple of months to discover that the student was non-Catholic. They always participated fully in the entire program. I am referring to elementary school now.

I do not mean to make light of it but I would not like them to have the choice of opting out of mathematics, religion, art or physical education, on all of which I was challenged in my grade 8 classroom. There are kids who say, "I do not want to run around the schoolyard, sir." "Too bad, it is good for you," is sometimes the necessary response. I hope I was a little more polite than that, but that is the way I felt about it. The status of an exemption from a religious education program in an elementary school is distinctive and different from the kind of course in a secondary school. I would not accept the same kind of exemption you allude to.

Mr. Jackson: I ask the question because of your strong reference, not to the student's choice and the program impact, but to the parents, the parents' choice and the parents' right to access.

Can you respond from that point of view? In most cases, the parents will be making decisions in suggesting to their son or daughter that he or she attend a separate secondary school in Ontario at no additional cost under Bill 30. It is from that point of view that I wish to pursue why we would not extend—

Mr. Fauteux: You are referring just to the secondary school now in terms of the exemption.

Mr. Jackson: No. Why would the minister or this government not be consistent in legislation between both publicly funded systems, given your reluctance to require program protection on religious studies at the secondary level?

Mr. Fauteux: At the elementary level, I suspect the parents would be making the decision on placing their child in that school community. In terms of the secondary level, as a parent of a secondary school student, I wish I could affirm with you that I make all the wise decisions for my daughter. It is not always true. I have a strong influence but she also shares in the decisions.

The question I would ask the parent and the non-Catholic student who appears on the doorstep of St. Joseph College and says, "I would like to attend here next fall," is, "Why?" I suspect the student chooses because his peers are there or the program he desires is there. There may be a historical preference within the family to support the school. Why would he purposely go out of his way to choose a Catholic secondary school or elementary school and then in the next breath say, "I want to be exempt"? I do not see those two issues as congruent. If the student purposely chooses a Catholic secondary school, he is choosing the mission of the school, the entire school and not just parts or components of it.

Mr. Jackson: Thank you for your response. Just as you are struggling with it as a parent, I am struggling with it as a legislator.

Mr. Fauteux: I struggle with it as a teacher.

Mr. Jackson: I am struggling with it as a legislator. You know as well as I do that there are many reasons why children in the elementary system who are non-Catholic attend Catholic schools. Therefore, we as legislators will be presented with a significant dilemma in Ontario by the families, and the potential for more families, who will come to us and ask us the question: "Why will I not be able to enjoy whatever the perceived benefits are of the elementary system without having to adhere to that program? What kind of Ontario do we have where I have to wait until the magic threshold of grade 8 when all of a sudden I have the right to

make those decisions?" I pose it as a challenge for you to contemplate because we as legislators will have to face it.

Mr. Fauteux: I am not sure you are going to have that great problem. It has not been a problem in the past and I do not believe it will be a huge problem in the future.

Mr. Chairman: I notice a change in the line of questioning in the second presentation.

Mr. Jackson: It is very enlightening.

5:20 p.m.

Mr. Chairman: It brings back a lot of memories from the summer and fall. I am not sure we are asking the same kinds of questions to clarify a group's position, but in the light of the two we have had I hear more of an attempt to sway and of suasion rather than just inform. I would warn committee members about that if we want to stick to our schedule. Mr. Reycraft, I do not want to hold you back now that the questions have been set.

Mr. Reycraft: I have a couple of questions and I will be brief. Going back to section 1361 and your concern about the phrase, "unless the two boards agree otherwise," did I understand your concern was that might exclude the teacher groups or employee groups?

Mr. Fauteux: Yes, certainly.

Mr. Reycraft: If it was clarified that it was to be a negotiated solution and they were to be included in those negotiations, would your concern disappear?

Mr. Fauteux: Not necessarily. You could draw a line and put "and teachers." However, I am wondering why we would move away from the normal dictates, if you will, of the government and the fact that they establish regulations and have laws. Locally, there are collective agreements. These seem to me to be the limits and the appropriate places to focus, rather than individual or separate from what I consider to be the normal guidelines—I hesitate to use that word—the normal rules for implementing decisions or work.

Mr. Reycraft: I have two concerns about putting the onus on the ministry to produce a set of regulations that will apply right across the province. One is that it might interfere with local agreements that have already been achieved and appear to be working very well. Second, you are aware, I am sure, of the fairly complicated process that is in place here in Metropolitan Toronto to deal with surplus and redundant teachers. Finding a set of regulations that will fit

and work in that situation, that will also apply to smaller boards in the province, seems to me to be a difficult, if not impossible, task.

Mr. Fauteux: I believe that if those words were not there, it would still be permissible to have local arrangements within those regulations and within those collective agreements. That is what I would encourage. Whether those words are there or they are absent, it would not prevent the creation of local solutions. They will do so most likely through the collective agreement process. Part of the challenge is the discrepancy between two separate kinds of collective agreements and the status of teaching load. I would not like to see that in another kind of agreement. I would prefer that they be streamlined within the two established collective agreements.

Mr. Reyecraft: My other question deals with the matter of secondments. When you last appeared before this committee, I remember your opinion on that was something less than enthusiastic. However, there are a number of agreements in place in the province where that has been applied. Now that we are almost one school-year later, have you had a chance to observe those situations? Do you have any comment on the use of secondment as a way of dealing with teacher displacement?

Mr. Fauteux: I learn slowly, but in this one I have not changed my opinion. I think secondment is an inappropriate method. My first choice is voluntary: the teacher will volunteer to move from a public school system to a Catholic secondary school system. When they come, they become full members of that school community. When they are seconded, there are still the questions about who they are, who their employer is, their rights and responsibilities. It muddies the waters. I still am opposed, unless it is for a specific purpose and a specific definite time, to the secondment of teachers to complete Bill 30.

Mr. Reyecraft: Have you received any feedback from those areas where secondment was used?

Mr. Fauteux: They really were not seconded, because they are all going to end up being regular teachers next year. It was a term used for a short time because somebody thought it was going to be creative.

The best responses I have, and the ones I find most encouraging, are the 163 of 170 teachers who said, "I volunteer." They have come and participated fully in the Ontario English Catholic Teachers' Association. They have become leaders of OECTA in a very few short months. They

are full members of their teaching communities. There is no question about their status, and I do not and will not agree to jeopardize that status.

Mr. Reyecraft: Would you clarify what you mean by "they were not seconded"?

Mr. Fauteux: The word used was that they were "seconded," but as I understand it, those two or three teachers who found themselves being called "seconded" in September are now going to have a contract with the separate board in September 1986. Were they really seconded, or did somebody just not call them a "designated" or "volunteer" teacher? I would suggest to you that somebody forgot to call them a voluntary or designated teacher, and that they really were not seconded.

Mr. Reyecraft: Do you not believe it would be considerably easier to get volunteers to transfer if secondment was an available option, particularly to experienced secondary teachers?

Mr. Fauteux: No, I do not think that is so. My experience in talking with many of these teachers was that they wanted that sense of security; they wanted to know who their employer was going to be.

It is rather uncomfortable to be a teacher thinking that you are going to teach in a particular system in September. You get to March, and you get anxious. "Will I be here next year? Will I be teaching geography next year? Are they going to move me off to another school?"

There is a certain sense of security when one feels that one is part of that school, community or board. These are the kinds of things I would like to strengthen. I think they are healthy. It is healthy when someone volunteers and is accepted as fully as is any other teacher who joined that staff.

Mr. Baetz: I have a little problem here with section 136o. I can reduce it to a very simple question. It is on the matter of exemption from religious training.

Do you agree with the minister's amendment that it will be replaced by "an automatic exemption from programs and courses of study in religious education for pupils attending a Roman Catholic secondary school"? In other words, it is an automatic exemption. Did I hear you say that you disagree with that amendment?

Mr. Fauteux: I am sorry. I do agree with the minister. I can accept his proposed amendment. It does not leave me feeling uncomfortable.

Mr. Baetz: Automatic exemption?

Mr. Fauteux: It is not difficult for me to accept that. What I was trying to say earlier is that

I do not think you are going to see a lot of people running to be exempt.

Mr. Baetz: I thought I heard you say that it is virtually impossible to be exempt from religious influence or religious education simply because your whole syllabus or curriculum is permeated with a certain value system. Once you are in that school, you are going to be—I do not want to use the word subjected; that is the wrong word—influenced by this value system.

Mr. Fauteux: Yes, you are.

Mr. Baetz: Therefore, to speak of exemptions does not really mean anything, except maybe from those very formal, one-hour-a-day—or however long it takes—

Mr. Fauteux: It takes 40 minutes.

Mr. Baetz: Forty minutes of religious instruction.

Mr. Fauteux: That is correct. The exemption, as I understand the provisions, is from that 40 minutes.

I think it is absolutely impossible to be exempted from the life of the school. I do not understand—and I am not sure that I always make myself clear. I recognize that there can be an exemption from that formal 40-minute religion class, but it would be impossible to exempt someone from the life of the school.

Mr. Baetz: I am inclined to agree with you. Exemption is virtually a meaningless kind of thing. Anyway, thanks very much.

5:30 p.m.

Mr. Fauteux: I agree.

Mr. Chairman: Are there any other questions? I do not see any. Thank you Mr. Fauteux, Father Kavanagh, Mr. Knott; and congratulations, Mr. Cooney, on your coming responsibilities.

Mr. Fauteux: Thank you very much.

Mr. Chairman: Our final presentation is from the Ontario Public School Trustees' Association. Welcome. Your brief has been distributed to all the members. For those at the end, if you are going to participate in either the delivery or the questions and answers, be sure you speak directly into the microphone so that we get you on Hansard. Mrs. Morrow, would you like to introduce everybody? I have only four names, so I am at least one short.

ONTARIO PUBLIC SCHOOL TRUSTEES' ASSOCIATION

Mrs. Morrow: Yes, I will. Thank you. To my right is Sharon Campbell, the executive vice-

president of the Ontario Public School Trustees' Association. On left is Bill Phillips, the executive director of our association. Sitting next to Bill is John Jakub, the director of personnel services and on my far right is Ross Parry, the director of public affairs. I am Karen Morrow, the president of the Ontario Public School Trustees' Association. Shall I begin?

Mr. Chairman: Sure, just proceed. You have 50 minutes or so.

Mrs. Morrow: We are very pleased to appear for a second time before the standing committee on social development. Our association's submission is divided into four parts. Part I is the association's position on the key aspects and issues in Bill 30. These include equal access, protection of the program opportunities for students in the public school system, exemption from religious programs, the leasing of facilities, school closures, staff transfers and legislative responsibility.

Part II is our association's clause-by-clause response to the government's proposed amendments to Bill 30. In part III, we proposed amendments of the Progressive Conservative caucus and part IV is our response to the proposed amendments to Bill 30 by the New Democratic Party caucus.

We have also provided the social development committee with a joint submission paper from the three Ontario public school trustee associations on Bill 30. This is included as appendix I.

The OPSTA submission on Bill 30 represents the considered views of our 52 member boards. The member boards are listed on page 2 of our brief. We represent school boards and boards of education from across the province: northern boards, southern boards, large and small boards, urban and rural boards, all boards across Ontario.

We make this our final submission to the standing committee on social development, knowing full well that Bill 30 is before the Supreme Court of Canada awaiting judgement on its constitutionality. It is our hope that this legislation will be judged unconstitutional. Our association is fundamentally opposed to the discriminatory philosophy underlying this bill. However, since all three political parties are determined to extend full funding to separate secondary schools, our responsibility to our students and taxpayers must be to ensure that they are protected from adverse consequences.

The Ontario Public School Trustees' Association believes that everyone in this province has the right to equal treatment, freedom from discrimination, equality of educational opportu-

nity, the right to live and work in a society that fosters understanding and tolerance and the guarantee that the public policy of our government will protect these rights.

Bill 30 disregards some of the fundamental educational and human rights that citizens of Ontario have worked so hard to achieve and maintain. Our request to you as members of the Legislature is to amend Bill 30 so that it will gain the respect of the citizens of Ontario. To this end, the Ontario Public School Trustees' Association offers this submission.

In part I of our submission Sharon Campbell, our executive vice-president, will review the key parts of Bill 30 and the proposed amendments.

Ms. Campbell: The first item in our brief is accessibility. The Ontario Public School Trustees' Association supports equal access to all publicly financed school systems in Ontario. The association supports the government's proposed subsections 136o(1) and (2), set out in section 2 of Bill 30. Our association is pleased to note that both opposition parties have decided to endorse open access to both public and separate secondary schools.

Item 2 in our brief deals with protections for the public school system. The public hearings on Bill 30 have illustrated that the protection of the viability of public secondary schools in Ontario will not be satisfied by simply inserting the phrase "promote the best interests of public education in Ontario" into Bill 30. Our association indicated in its initial submission to the committee that Bill 30 must ensure the preservation of a strong and viable public school system in all communities served at present by public secondary schools.

The government's recent package of proposed amendments to Bill 30 does not provide any real assurances to the public school system that the availability of public school programs and services in many parts of Ontario will not be diminished as the cost of implementing full funding to separate secondary schools. OPSTA agrees with the April 30, 1986, proposal by the New Democratic Party that would make the viability of the public secondary program in single-school communities a principal criterion in evaluating all implementation proposals.

It is absolutely essential that implementation of full separate secondary funding not cause the closure of public secondary schools in single-school communities. This is particularly important in northern Ontario communities, many of which are small and widely separated. Conse-

quently, school units tend to be considerably smaller than in other regions of Ontario.

Many of these communities house only one secondary school and perhaps only three or four elementary schools. These schools, which frequently have enrolments of fewer than 300 students, are finding it increasingly difficult to provide the variety of educational programs and services necessary to provide the educational opportunities expected by parents and students. OPSTA believes the government of Ontario must do all it can to ensure these school programs and services are maintained and improved.

Even with the sharing of facilities, it is quite possible that small schools will become splintered into still smaller units. Our association is very interested in the May 2, 1986, proposal provided by the official opposition with respect to the protection of secondary school facilities and programs in the secondary school communities.

The Progressive Conservative caucus proposal states: "In communities with a single secondary school having an enrolment of less than 500 students, the public board shall provide teacher(s), on whom both boards have agreed, to instruct separate school students in health, guidance and religious education classes and provide liturgical services for separate school students.

"In communities with a single secondary school having an enrolment of more than 500 but less than 900, the two school boards will establish a joint board of management which will oversee their sharing of the school facility."

This proposal attempts to ensure in a real way the continued viability of public secondary schools in single-secondary school communities. Our association urges the committee to give serious consideration to the proposal I have just mentioned. Not only will this proposal ensure the protection of public school facilities, programs and services, but it will also ensure equal educational opportunity. The proposal will also control the already staggering costs of extending funding to separate secondary schools.

Exemption from religious courses and activities: In OPSTA's initial submission to the committee, we called for automatic exemption from religious courses and programs for non-Catholic students attending separate secondary schools. We still firmly believe this should be provided for in Bill 30.

5:40 p.m.

OPSTA supports the government's proposed subsections 136o(5) to (15), which would

provide for automatic exemptions for students attending a separate secondary school who are qualified to be resident students of a public school board. Moreover, OPSTA supports the inclusion of a provision that would allow such students to enrol in religious programs or courses or take part in religious activities upon written request.

OPSTA is disappointed by the unwillingness of both opposition parties to provide automatic exemption from religious courses and activities to all students. It is difficult to understand how both opposition parties could support open access between school systems, yet at the same time force students who exercise this right to participate in the activities of a particular religious faith.

Consistent with the guarantee of the fundamental freedom of religion guaranteed by our Constitution for all denominational faiths, OPSTA stands for ensuring educational opportunity and sound public policy. It is for these reasons that OPSTA strongly disagrees with any form of discrimination against all persons seeking employment in any publicly funded school system. It is for these same reasons that OPSTA supports equal access to publicly funded school systems.

It has been argued by some groups and individuals that the unique religious nature of separate schools would be placed in jeopardy should Bill 30 allow for: (1) equal access to publicly funded secondary schools; (2) automatic exemption from religious activities for students attending separate secondary schools who are eligible to be resident pupils of a public school board; and (3) no discrimination against individuals seeking employment in separate secondary schools, the enforcement of subsections 4(1) and 4(2) of the Human Rights Code.

The standing committee should ask itself how valid this concern is and what the implications are for the education system and for the larger Ontario society if the above provisions are excluded from Bill 30.

If there is one view that is commonly held about the separate school system, it is that separate schools attempt to achieve an aura of Roman Catholicism that is present not only in specific courses, programs or activities but throughout the entire school system: in the classroom, the lunchroom, the playground and the halls. Is it really conceivable that students who do not share the denominational beliefs and practices of Roman Catholics will impede in any substantial way the ability of separate schools to maintain this aura of Roman Catholicism?

If students of a different denominational following have the right to attend separate secondary schools and have the option to opt out of those few courses that teach Catholic values and lifestyle, will this jeopardize the mission of the separate school system? Our association believes that this will not occur. The unique nature or mission of the separate schools surely does not rest on only a few courses that teach Catholic values or lifestyles.

OPSTA believes that students should have the option to enrol in religious courses on written request if this is their wish. This is consistent with OPSTA's belief in freedom of religion as outlined in our Constitution.

All three political parties agree that designated teachers should be offered employment in separate schools and should not be discriminated against in terms of promotion and advancement because of their religious beliefs and practices. If all three parties were truly convinced that open access, combined with automatic exemption from religious activities for non-Catholics in separate secondary schools, would jeopardize the unique mission or nature of that school system, would it not follow that non-Catholic teachers in the separate school system would produce the same result? The answer is clearly yes.

In short, all three political parties are saying that it is acceptable to place non-Catholic teachers in separate secondary schools, but that exempting students from a few religious courses and activities will undermine the unique nature of the separate school system. OPSTA does not accept such a position. The principles of public funding, public accountability and public access without strings should not be disregarded simply to achieve political advantage or to defuse political opposition.

Leasing of facilities: OPSTA has many concerns with the government's proposed amendments to section 136x of Bill 30, which relate to the leasing and transfer of facilities and real property.

OPSTA cannot support any proposal that would permit the change of ownership of facilities or real property before the Supreme Court of Canada has ruled on the constitutionality of Bill 30. Not only would there be tremendous disruption and public outcry should the Supreme Court of Canada strike down the legislation after facilities and properties had changed ownership, but it is possible that the lingering doubt about the legality of Bill 30 would be an impediment to

co-operation between public and separate school boards in many regions of Ontario.

Second, the government's proposed amendments to section 136x should guarantee that decisions of the tribunal will protect the investment of public school ratepayers in school facilities and real property owned by the public school board.

Third, section 136x should stipulate that all tribunals must consider the viability of public school facilities, programs and services as the principal criterion in reaching a decision. This is particularly crucial for tribunals adjudicating on secondary schools in single-secondary-school communities.

Our association believes that Bill 30 should be amended to disallow transfers of facilities or real property until five years after the passage of the legislation. Our association urges the standing committee to recommend to the Ontario Legislature that public and separate boards enter into lease agreements to accommodate space requirements. OPSTA recommends a five-year no-transfer policy for two reasons:

1. Since the long-term implications of extended funding for both public and separate school boards are still in doubt, it would be advisable for both boards to refrain from facility and property transfers.

2. Since public reaction continues to be divided on the question of extended funding, the transfer of facilities from public to separate boards at this time will not contribute to long-term co-operation and stability within the Ontario education system.

Our association recommends that the provisions for the transfer of facilities or real property between public and separate boards be withdrawn and replaced with provisions for the leasing and sharing of facilities. OPSTA believes that detailed procedures relating to the transferring of facilities or real property, including the adjudication procedures, should be drafted only after there has been time for the reasonable assessment and evaluation of the actual results of implementing over a five-year period.

The government has proposed the circumventing of the school closing guidelines contained in paragraph 150(1)6 of the Education Act to facilitate the transfer and sharing of facilities and property between public and separate school boards. Reaction from public school boards to this proposal has been mixed. The standing committee should know why the Ministry of Education guidelines for school closure exist.

School closure is perhaps the most controversial action a school board can take. If there is one institution that a community will strive to maintain, it is the local school, whether elementary or secondary. School closure guidelines provide a real and meaningful opportunity for the community to have input into a decision to close a school. Thus, OPSTA is concerned about this proposal.

In some regions of Ontario there has been substantial co-operation between public and separate school boards in preparation for the impact of extended funding to separate secondary schools. In these situations it may be in the best interest of the public and the school boards to bypass the school closure guidelines in order to facilitate lease or transfer. However, this will not be appropriate in other jurisdictions of Ontario. OPSTA recommends that school boards be given the discretion to apply or opt out of paragraph 150(1)6 of the Education Act, school closure guidelines, in respect to transfer or use of school facilities.

The transfer of staff: With the exception of a few key areas relating to the transfer of designated staff from a public school board to a separate school board in the same jurisdiction, the association does not feel it has the prerogative to put forth positions on most of section 1361. Sections of 1361 relating to rates of remuneration, benefits and gratuities for staff transferred to separate school boards are best resolved among the federations, the separate school boards and the government. However, our association does have strong positions on the following aspects of section 1361:

1. All staff designated by a public school board should become the responsibility of the separate school board sharing the same jurisdiction. This view is consistent with the government's proposed amendment to subsection 1361(1).

2. The elementary staff designated redundant as a result of the extension of funding to separate secondary schools should be accorded the same protections as designated secondary school staff.

5:50 p.m.

3. Section 4 of the Ontario Human Rights Code must apply to any qualified person or persons seeking employment in a separate school board that has elected to perform the duties of a secondary school board. While OPSTA acknowledges the constitutional exceptions that permit Roman Catholic separate school boards to discriminate against students and teaching staff on the basis of religion at the elementary level, no such constitutional exception is provided at the

secondary level. Consequently, the equality rights of the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code must be and should be enforced.

Not only should designated staff, be they elementary or secondary, be afforded the right to employment, advancement and promotion within the separate school board, but all qualified persons should have the right to seek employment in a separate school board at the secondary level with all the protections provided by subsections 4(1) and (2) of the Human Rights Code. OPSTA does not believe that separate secondary schools qualify under section 23 of the Human Rights Code to be exempt from section 4 of the code.

4. OPSTA is unable to determine from the government's proposed subsections 1361(5) to (7) what will happen to designated staff who are willing to work in a separate school board but for whom a suitable position is not available after a two-year period. Subsection 1361(7) could be interpreted to mean that such staff would cease to be employed by the separate school board after two years. OPSTA would appreciate a clear interpretation of subsections 1361(5) to (7).

5. Subsection 1361(7) of the government's proposed amendments to Bill 30 allows a separate school board to terminate the employment of designated staff who are offered a suitable position but who, for reasons of conscience, cannot accept the employment offer. Moreover, the amendment proposes that such staff receive financial and/or training assistance for a period to be prescribed by regulation.

OPSTA agrees that a separate school board should have the prerogative to terminate the employment of designated staff who refuse an employment offer, provided the employment offer is substantially similar to the position the employee held in the public school board, with appropriate severance pay.

6. Subsection 1361(11), sick leave credits, in the government's proposed amendments meet with the approval of OPSTA. Once designated staff become the responsibility of the separate school board, it does not make sense to maintain any of the employees' benefits, gratuities, sick leave or other plans and credits with the public school board.

Legislative responsibility: Our association is pleased that the government's proposed amendments to Bill 30 place greater responsibility in the hands of the minister by reducing the powers and involvement of the planning and implementation commission in many sections of the bill. Bill 30

was created by the Ontario Legislature and it is absolutely essential that the responsibility for Bill 30 not be transferred from elected representatives to appointed representatives. In addition, our association recommends that the standing committee on social development review Bill 30 in five years' time. This review should include an opportunity for public hearings.

Mr. Chairman: Not so long. Can we do it earlier, please?

Mr. Jackson: Most of us will not be back for it.

Interjection: Speak for yourself.

Hon. Mr. Conway: Oh, ye of little faith.

Mrs. Morrow: Part II deals with the government's proposed amendments to Bill 30, and I would like to run through some of the areas we have not already covered in part I of our paper.

On page II-1, the payment of fees for purchase of service, OPSTA feels that the fees to be calculated in accordance with the regulations must be sufficient to cover the full costs of programs such as technical, vocational and special education programs.

On page II-3, regarding designated staff prior to the passage of Bill 30, we support this proposed amendment.

Page II-5 deals with the transfer of staff. Most of this has been covered in part I and gone over. I would like John Jakub to add an additional comment on that section.

Mr. Jakub: Concerning the designation of staff, it may be appropriate to have some discussion on whether we should be designating staff or designating positions, as has been suggested. It would seem to this association that we should be looking at designating staff as opposed to positions, as is the government's recommendation.

If one looks at the process that generally would be followed through a collective agreement, you are talking about an individual who would be declared surplus to the school board. It is these individuals whom you are looking to protect.

It would be difficult to designate a position that has been lost, because most collective agreements talk about individual teachers who are redundant to a system, so it seems most appropriate to talk about the designation of those individuals. The designation is really an additional right that someone will obtain. It would seem difficult to add a right to a position. It seems more appropriate to grant an additional right to an individual.

Mrs. Morrow: The cost of arbitration relating to teacher transfers is dealt with on page II-12 of our brief. The OPSTA feels very strongly that the fees for an arbitrator or an arbitration board must be borne totally by the Ministry of Education and not by school boards or by other organizations that are parties to the arbitration.

On page II-13, the accessibility issue was covered in part I of our submission. The same is true for page II-14, which concerns exemption from religious studies.

On page II-16, concerning the reports of the planning and implementation commission, we believe that all reports must be released to the public once they have been received by the Lieutenant Governor. All additional reports from the commission to the minister should be made available to the public as soon as they are received by the minister.

On page II-18, concerning the school board submissions and impact statements, OPSTA supports the opportunity for boards to respond annually with impact statements, but we believe that plans and impact statements should be provided for each year for a minimum of 10 years, and even longer if the implementation period requires more than 10 years.

On page II-19, the criteria for the planning and implementation commission, we believe the wording in subsection 136v(2) should be changed to read:

"The criteria are that the method must permit the Roman Catholic school board to provide secondary education and that the method must preserve a strong and viable public school system in all communities presently served by secondary schools.

The transfer or use of facilities was covered in part I of our submission. On page II-25, we recommend in respect to the transfer or use of school facilities that school boards be given the discretion to apply or to opt out of the school closure guideline in paragraph 150(1)6. We believe the local board is in the best position to assess the procedures necessary in a community.

On page II-26 we talk about joint meetings, and OPSTA supports that amendment.

We are not going to go through parts III and IV of our brief. They are there and we are willing to answer questions on them and on any part of our submission at this time.

Mr. Chairman: That is a very thorough report, and we thank you for it. We have a fair amount of time for questioning.

6 p.m.

Mr. Baetz: I would like to go back to this question of exemption from religious instruction. We have heard from the Roman Catholic teachers' association that the moment you enter the building, the moment you participate as a student in a Roman Catholic school, you are "in an aura," to use your words. You are in an intellectual, emotional and social environment that you simply cannot escape from. It is there. The whole idea of being exempted from the 40-minutes of religious instruction is more of a cosmetic thing. The impressions and the impacts have already been made.

We agree up to that point, but then I arrive at a different conclusion and I wonder why we should go through the whole procedure of allowing exemptions. For those students who choose to go to this school, not because of distance or programs but for whatever reason, why go through the exercise of saying they can be exempted? I go right down the line with you on your reasoning but I end up with a different conclusion. I hope you can help me on that.

Ms. Campbell: I will try. The catholicity of the system is one of the premier points that have been discussed during this whole period as the reason for a separate school system. We believe catholicity does not necessarily come to a great extent from the students who might attend but rather from the teachers. Surely the teachers who are the greater influence in that school are the ones who impose that influence upon the students.

Since there is a proposal that teachers who are not Roman Catholic and therefore would not be acquainted with the milieu we are discussing would be acceptable to that system, then we feel it must be acceptable to that system to allow students who do not wish, for whatever reason, to take part in that formalized religious education class, to opt out of it also. The strength of the catholicity does not lie in that 40-minute religious education class. Therefore, if the student wishes to opt out, why should he not be allowed to do so?

Mr. Baetz: There is not necessarily a quid pro quo here on how we deal with the student in this case and how we deal with the person who wishes to teach in that system. As your brief has quite correctly pointed out, I doubt whether the same type of discrimination can be exercised under the Human Rights Code for people applying to teach in a Roman Catholic secondary high school as applies to the elementary school. I agree on that one.

The very fact that we agree with you that anybody can apply has to do with the human rights aspect of it. It has nothing to do with maintaining the catholicity of the school. The questions of looking at the student and looking at the teachers—I am afraid I am not making myself very clear—are not really related. They are two quite different questions. One deals with nondiscrimination in hiring—and whatever that may do to the catholicity of the Roman Catholic system is a question mark—but it has nothing to do with students who, not for reasons of distance or of not being able to get the program they want in the public system, but for whatever reason, want to go into the Roman Catholic secondary school system. Why go through the exercise of exemptions? It is fiction. It is cosmetics.

Mr. Phillips: It is not fiction. It is a fundamental issue. Our Constitution sets out freedoms, and one of the fundamental freedoms that is exercised is the freedom of religion. That has been interpreted, where it has been interpreted, also to mean freedom from having somebody else's religion imposed upon you. In the last half of the 1980s, after this act has passed, I do not believe it is possible for the state—and school boards are an arm of the state—to force on anybody the taking of religious education when he or she does not wish to.

Mr. Baetz: Could I have one more supplementary?

Mr. Chairman: I want to remind members the important thing we are trying to do is to clarify, not to sway or dissuade. The arguments on both sides are well known, and higher clarification is what I hope we are after. However, go ahead, Mr. Baetz.

Mr. Baetz: Is there anything imposed upon the student who chooses to go to a Roman Catholic school? When it has nothing to do with distance, program, the fact of a handicap and so forth, but he or she simply chooses, is not that free choice? He or she goes to that school because this is his or her own or the family's free choice. Where then does the imposition come in?

Mr. Phillips: Perhaps Ross Parry would like to comment on the implications of a price war.

Mr. Parry: The question of exemption is related absolutely to the

of the government is that there shall be open access to both school systems. A question of access. It is well known by the public of Ontario that the policy of the government is that there shall be open access to both school systems. A student may be eligible as a resident of a public

school jurisdiction and choose to exercise that right. If within that right goes the enforcement that you must take courses dealing specifically with religious faith and teaching that faith, then you have entered into the roadblock of access. You have said the access is fine, but there are certain conditions; one may be that you must be part of this course. It is not that you have to change the whole aura of the secondary school system, but you still have to be part of that course. That could be an impediment.

In other words, you have missed the principle. The principle now is open access. The minute you start to place features which inhibit a person's making that free choice, you have broken the principle. I think that is precisely why we have tried to argue throughout the brief, in a very straightforward manner, that principle has to be maintained. You cannot add to it or take from it, because you do not end up with the same thing. We are saying the question of exemption is sufficient to create a roadblock, for the other reasons we have mentioned as well, but we think it is directly a question of access. We would no longer have the right to exercise equal access once that impediment was there.

Mr. Chairman: I hope that concludes the debate. We might ask some questions of the other people. Is there anything else you would like to ask, Mr. Baetz?

Mr. Baetz: No, thanks; I have no more.

Mr. Jackson: I would like to welcome the group and compliment it on its well-presented brief. I could not help noticing the decision-making that went into the tabs in the various sections. The New Democratic Party are represented by this gorgeous orange and Conservatives by blue, albeit a pale blue.

Mr. Chairman: It looks like your jacket.

Mr. Jackson: I am fascinated by the pink for the Liberals—not surprised, but fascinated.

Having said that, we have before us a group representing trustees in Ontario, and as a former trustee, I have raised some concerns during the hearings and had hoped we might have seen some items that reflected the concerns of trustees.

In particular, on one page of your brief, I see a simple statement of support with respect to the revised wording of the Minister of Education (Mr. Conway) in reference to subsection 136i(3). He talks about the fact that, once the separate school trustees depart from a public board, those vacancies are not to be filled.

I guess I raise the concern about the topping-up provisions, if any. There is quite a difference

between your position and the federation's position when it comes to topping up your personnel. Do you have any concerns about the fact that you will be depleting? For instance, the Sudbury board will go from 20 trustees to 10 or something; it will halve itself in some instances.

Is there any concern about something in this legislation that provides for the topping up of those numbers? Given that we have more committees operating in the boards around the province, will closure take several trustees out of commission, as it were, away from active work on a board because of the work load and so on?

If it is not a concern, I will not vigorously pursue the minister on creating an amendment, but I would like your thoughts on that. I know in my board in Halton, it is an area of concern that we top up to 20. We will drop to 16, but we would like to top back up to 20 again. Do you have any comments?

6:10 p.m.

Mr. Phillips: There is a study on trustee representation going on in the province. I think the mechanism to address that problem should be done through that means, not through adding people to the board to fill the positions. It may well take something more sophisticated than that approach. I hope the committee that is looking at that and the recommendations that are brought forward will give guidance that will be a little better.

Mr. Jackson: Could I pose it as a question? Would you not consider it a matter for a local public school board, at its option, to advise the Minister that it wishes, for purposes of the next election, to top up its numbers? It would then become a local option. It is an obvious concern that if it is not put in the legislation in some form, you may not get it in those jurisdictions where it is determined to be important that the elected resources are depleted too thinly.

Mrs. Morrow: It has always been the Ontario Public School Trustees' Association's position that, where possible, local boards should make decisions that affect their local communities, because they are in the best position to do that. In every area, this one included, we see no problems with having a local board make that decision and that request of the Minister.

Mr. Jackson: My final question: Do you not find it somewhat of a contradiction that public school electors can enrol their students, although they have the option to go to the other system, but do you not feel the barrier of religion should be

removed as a qualification for running as a trustee?

Mr. Phillips: There is no barrier of religion to running as a trustee for a public school board. Believe me, there is no barrier.

Mr. Jackson: It is based on your designation of your taxes.

Mr. Phillips: On your choices.

Mr. Jackson: I am aware of that, but I wonder why we would adhere to that distinction when a citizen chooses to have his taxes go to the separate board but have his child attend the public school system.

Mr. Phillips: I think it is based on the principle that the people who pay the taxes should be the ones who set the rate.

Mr. Offer: I have a question of clarification; it has to do with section 136x and your comments with respect to leasing or transfer of facilities.

In the first three lines of the last paragraph on page I-7, you talk about the bill being amended to disallow transfer of facilities. On page I-8, you ask that it be withdrawn. Can you clarify your position? Are you asking that it be outside the bill or that it be part of the bill but not implementable for five years?

Also, in clauses 136x(8)(a) and (c), when it talks about transfer of use, might that be a leasing arrangement availability? I am just asking for clarification of your position on that subsection.

Mr. Parry: First, you are quite correct in observing that we were asking for no transfers to take place within five years. I think we have given a reasonable explanation of that. We are saying the procedures that need to be outlined beyond the five-year period in which transfers may occur should not be implemented at this time. Probably it would be inappropriate even to begin to draft such procedures until we have a fairly good idea and a reasonable evaluation or examination of what is going to go on in the next five years. That is what we are saying.

Mr. Offer: The only thing that is confusing me is that on your page I-8, you ask "that the provisions for the transfer of facilities or real property...be withdrawn and replaced with provisions for the leasing and sharing of facilities." Of necessity, that excludes any provision for transfer of ownership.

Only by way of clarification, I am wondering whether the position you are taking is almost already embodied in clauses 136x(8)(a), (b) and (c) in that they talk about transfer of use, on one hand, and transfer of ownership on another; so it does provide the alternatives, with final recourse

to the minister for decision, which you apparently endorse in the last paragraph of your submission. I would like to get an idea of your position on that.

Mr. Parry: With regard to that whole section, I guess one can do what you have done. What you have tried to do is pick and choose which parts of the section you want to have in. We have not taken that way. We have decided to take issue with the question of tribunals themselves, which is part of that section. Those tribunals have the authority to issue decisions to the minister, which could be anything on the use, transfer or sale of real property.

We are asking for the section to be withdrawn because we are not in a position at this point to say, for one thing, whether it is appropriate to have a tribunal making that type of decision, based upon information it knows now or projects in the future. We are saying, however, there is no question; there are going to be space requirements.

The leasing of property does not require the transfer of ownership, as I am sure you can appreciate, nor do agreements about use. We are specifically concerned about the transfer of property or facilities or both and the use of a tribunal process at this time in dealing with those types of issues.

I guess you are correct in saying we have asked for the withdrawal of the section. It was very difficult to pick and choose and leave something that was understandable or rational. Does that answer your question?

Mr. Offer: Sure.

Mr. Allen: I too would like to welcome the representatives of the Ontario Public School Trustees' Association. I appreciate the great deal of work that has gone into this brief. It is the first one that has sorted out all the groups of amendments and tried to comment on them separately. I appreciate that.

I note that not only is the Tory blue a very pale and washed-out colour but also the Liberal pink is a very pale pink; it does not have a great deal of vigour to it. In that respect, I take it as a great compliment that the orange is a very vigorous orange.

Mr. Jackson: It is last, though.

Mr. Epp: Liberal has never been pink.

Mr. Allen: I do not know what other messages are intended in this section, and I have not had a chance to look through all your comments on our amendments, but I want to ask you specifically about one of them.

To make a brief comment, I think when we get into the kind of disagreement that I know still exists between me and yourselves on constitutional questions, we have to recognize that this country is a meeting ground of historic collective rights on the one hand and individual rights on the other. Even the Charter of Rights frames that quite clearly and concretely in section 29.

Whether we are talking about separate school rights, the rights of Indians and the special arrangements they have in our Constitution or other historic groups, such as French-language or English-language groups, considerations of public good or peace, order and good government, all presume ways in which the collectivity or our life together impacts upon and limits individual rights. Therefore, when you talk about open access to a historic institution that has certain constitutional protections, such as the separate school system, there are playoffs, one against the other.

6:20 p.m.

There is no way you can get around that. The dilemmas persist, and the tension remains. It will always be that way. Therefore, to argue from one side or the other that either is totally right is a hopeless undertaking from my point of view.

Mr. Chairman: It is not that you want to debate.

Mr. Allen: I thank you for the many helpful proposals you made in the document. However, I have difficulty with your comment on our proposal of mandatory joint public-separate board committees to explore opportunities for sharing services, resources, facilities and staff and to recommend priorities and schedules of implementation, and with your preference for the ministry's amendment, which really says nothing more than that you may do what you may already do, namely, meet together. I would have thought it would have been very helpful for all boards to have a standing arrangement, a setting in which they could not escape the questions of sharing every aspect of education that could possibly be shared.

When we got into this whole business 16 years ago, our party framed a policy that we called "the concept of sharing. This proposal of ours is a direct outgrowth of that. It seems to be a mistake to undertake this extension and completion of the system without at the same time looking at the ways in which it can be done most economically and efficiently and with the greatest amount of dialogue and ongoing interrelationship between the major educational enterprises of the province; a mistake not to take formal steps to make that not

only possible but also almost a necessity in the system.

What is the problem, from your point of view, in having a standing committee structure that all boards would have to have and which would require them to pursue those objectives?

Mrs. Morrow: I think Ross Parry wants to respond, but before he does, one main problem is the word "mandatory." We believe in local autonomy. In a province as unique as Ontario with the differences that occur across the province, local boards should be making these decisions about whether a standing committee is a suitable approach for their system.

In our response, we felt very strongly that you could run into more problems by having a public board of education meeting with a separate school board when the separate school board covers more than one jurisdiction of a public school board. For example, there could be a separate school board that covers two counties and there would be two public school boards. If there were separate meetings, with one public school board not privy to the agreements and situations being discussed by the other two boards, it could create more problems than those meetings would solve.

Mr. Parry: In comparing the two proposed amendments, as far as they went at that time anyway—you probably have some wording that has been approved since then—it was a question of laying down in the amendment exactly what we should be talking about in terms of facility, staff, priorities and schedule of implementation. Boards that meet may discuss these and dozens of other things that may have nothing to do with Bill 30 directly.

To reiterate President Morrow's point, it is important to get the sense of all boards meeting together. In many jurisdictions, you have more than one public and one separate school board covering part of the jurisdiction. You may have as many as six. It is probably important that those groups discuss these matters together to achieve precisely what you want to achieve in your amendment. In some cases, there have been some anxieties and tensions created because people have been left out of the discussions. They probably should have been included.

The minister's amendment does not force this on the school boards. However, what the minister is forcing in the amendment is that if they are going to meet, they have to meet together. The question then becomes, shall we meet? It was restricting it to what we should be talking about, as your proposal essentially does. I

suppose it could have said "etc." The difference is that it includes all boards within that jurisdiction.

Mr. Chairman: Mr. Allen, I am going to have to cut this off.

Mr. Allen: You have made a couple of helpful observations with regard to the proposal, although I note that in some other amendments and proposals under the act there are observations about keeping other parties informed on their bilateral discussions. Other parties may be implicated. That is always a possibility in these structures. We can leave this.

Mr. Chairman: I am going to have to rule that this discussion take place outside because we have to order our business. Speaking for all the members, this has been a very clear presentation with the rationale behind your positions made clear. It has been very helpful to us. We appreciate you taking the time and making the obvious effort that has gone into this presentation. It will help us as we go to clause-by-clause.

Mrs. Morrow: We are available to answer further questions at any time.

Mr. Chairman: I have several things to discuss. First, I would like to read into the record the letter I received from Mr. Tolton, chairman of the Metropolitan Toronto School Board. Then I will give reasons for my suggested decision and see whether I have your collaboration.

"Dear Mr. Johnston:

"I would like to request an opportunity for the Metropolitan Toronto School Board to appear before the standing committee prior to the commencement of the clause-by-clause debate on Bill 30.

"It has just recently come to my attention that the committee is continuing to entertain further delegations from some organizations with respect to the proposed amendments to this bill. As you are aware, the Metropolitan Toronto School Board believes that the passage of Bill 30 ought to be delayed until its constitutionality has been determined in the courts. We recognize there has been a judgement in the Court of Appeal of Ontario which supports the constitutionality of the extension of funding to the Roman Catholic secondary schools. While we would prefer the Legislature to defer its decision on Bill 30 until the Supreme Court of Canada has had an opportunity to rule on the constitutionality, we recognize that the government is determined to proceed with the passage of an amended Bill 30 in this session of the Legislature.

"Given that our presentations to the standing committee were made prior to the Court of Appeal's ruling on the constitutionality of Bill 30 and the proposed amendments suggested by all three parties of the Legislature were markedly changed in substance, we believe that it would be appropriate for us to outline in some detail our concerns about specific aspects of the proposed legislation. We recognize that Bill 30 will become a valid piece of legislation, albeit for perhaps a short period of time. To that end, we would appreciate the opportunity of responding to many of the significant issues that we believe the committee should take into account in its consideration of Bill 30 in the clause-by-clause debate.

"I look forward to hearing from you at your earliest convenience and trust we will have the opportunity of presenting our views to the standing committee."

There is a real parallel between this board's request and that of the Metropolitan Separate School Board. You will note that you have already received a written submission from them in response to our declining their request to come before us. I suggest that the Metropolitan Toronto School Board has a mechanism for coming before us, which is the Association of Large School Boards in Ontario. It is a major player in the association of large boards, whereas the Metropolitan Separate School Board is not really a major player in the Ontario Separate School Trustees' Association, which will be coming before us. For that reason, I would be consistent and suggest to Mr. Tolton that we will not be extending an invitation. I leave it to you to decide. Is there a general consensus on that in terms of consistency?

Mr. Jackson: When was the letter dated?

Mr. Chairman: The letter is dated today.

Mr. Reyecraft: The writer of the letter should be advised that we would be delighted to receive a written submission.

Mr. Chairman: Okay. I have a consensus. I am sure there will be a representative on the ALSBO presentation to make their points well known.

There are two other things. Members who were not members of the committee before will not be aware that Mr. Nigro of the legislative research service has produced a major document for us compiling all the recommendations from all the 800 plus groups that we had before us in the summer and the fall. Those who were members of the committee before have the document. You may find it helpful in terms of

some of the recommendations or you may just find it overwhelming because it is very thick.

Mr. Nigro now is preparing a document that includes the recent amendments from the government and will include the opposition parties' amendments if he receives them in time to be included. We should have them by the time we get to clause-by-clause. He is making it similar to what we just had with the pharmacy bills to help us go through this in some kind of order.

There is another thing I want to bring to your attention that I thought we might deal with in this group rather than going to a steering committee, unless you wish to do so. That is to look a little at the upcoming schedule so that you have an idea of some of the constraints there may be on us.

6:30 p.m.

Hon. Mr. Conway: Perhaps I might introduce two people who will be here with me for most, if not all, of the hearings, Frank Clifford and Bill Kirkwood.

Mr. Chairman: Some of us know them as well as you do.

Hon. Mr. Conway: This is what happens to me when I spend a long afternoon listening. My vocal chords become recessed. At any rate, Frank and Bill will be here with me throughout the piece.

Mr. Jackson: You have spent all morning preparing your speech.

Hon. Mr. Conway: I have not made a speech in 11 years that excited my colleagues in all parties.

Mr. Chairman: That is true. We will expect others now that you have broken the ice. On Monday, we will have an early vote at 6:15 p.m. and we will have four deputations before us. I ask you in your questioning of the groups to try to go after particular points of clarification as much as you can, and to restrict it to that.

Tuesday would be a normal meeting day for us but the budget debate is on so it is off. Thursday is available to us.

The following week we have a long weekend, so we lose Monday, May 20. That leaves us May 21, but I have been given to understand that there may be a problem for some members of committee later in that week, to which Mr. Reyecraft may like to speak. My concern is that by the end of the month we may have only seven days of debate on this. I wanted to raise this with you so you would know it and to see whether you think it is fine or whether you wish to try to gain other times for us to meet. There has been some reluctance, as you know, to move to evening

sittings, something I understand and for which I have great sympathy. Another option would be to move to Wednesday sittings if the members choose to do that. I thought I should raise that with you because of these delays.

Mr. Reycraft: May 14, which is next Wednesday, is quite all right with us. There is a problem, with Wednesday, May 21, as well as with Thursday, May 22, with having members available. We would appreciate the committee's consideration of that.

Mr. Chairman: Can you give me those two days again?

Mr. Reycraft: Wednesday, May 21.

Mr. Chairman: It is not a normal sitting day.

Mr. Reycraft: You did mention it, I believe; and Thursday, May 22.

Mr. Epp: If you are going to choose Wednesday, May 14, I suggest you try to terminate at 6 p.m. because there is a major function downtown that most members of the government party will be attending. It starts at 6 p.m.

Mr. Andrewes: It is Liberal fund-raising.

Mr. Epp: Your \$250 is welcome.

Mr. Chairman: We are all invited.

Mr. Andrewes: Bring your cheque.

Mr. Jackson: I know I have difficulty with May 14. If Mr. Davis has difficulty with May 14, that would create some difficulties from our point of view. I would rather hold it open until Monday before tying down anything in terms of schedules. Wednesdays are not good days for the Conservative members. It is our caucus day and there are a few other considerations as well.

Mr. Chairman: If you can take that back and discuss it with the critic, in this case especially, it will be helpful. You could let me know on Monday what the various caucuses think about it. I thought I should bring it to your attention.

Mr. Jackson: In the absence of Mr. Cooke, may I record how dismayed we are that this will add further protraction to the Bill 94 discussions. It is obviously part of the conspiracy between the Liberals and the Conservatives that these scheduling problems have occurred.

Mr. Chairman: I will see Mr. Cooke in Windsor tomorrow and I will tell him.

Mr. Reycraft: I hope your level of distress at that will result in your giving us a favourable response on meeting on Wednesday.

Mr. Jackson: It could not be worse than the distress I had yesterday on the front lawn.

Hon. Mr. Conway: A word on timetabling: I will make every effort to be here to the greatest extent possible, which will be a very great extent, but I will have some timetabling problems from which I will try to extricate myself.

Mr. Andrewes: Are you going to the same event?

Hon. Mr. Conway: I have a hospital wing opening next Wednesday in the constituency that I would like to attend. I can change that to accommodate the committee, obviously.

Mr. Andrewes: Close the hospital.

Hon. Mr. Conway: It is nice to attend a hospital opening. I am being parochial about it. The committee adjourned at 6:35 p.m.

CONTENTS

Thursday, May 8, 1986

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-3
Adjournment	S-31

SPEAKERS IN THIS ISSUE

Allen, R., (Hamilton West NDP)
 Andrewes, P. W. (Lincoln PC)
 Baetz, R. C. (Ottawa West PC)
 Epp, H. A. (Waterloo North L)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Offer, S. (Mississauga North L)
 Reycraft, D. R. (Middlesex L)

From the Ministry of Education:

Conway, Hon. S. G., Minister of Education (Renfrew North L)

From the Ontario Teachers' Federation:

McAndless, D., First Vice-President
 Buchanan, M., Third Vice-President
 Kennedy, K., Second Vice-President
 Carey, J., Executive Assistant

From the Ontario English Catholic Teachers' Association:

Fauteux, J., President

From the Ontario Public School Trustees' Association:

Morrow, K., President
 Campbell, S., Executive Vice-President
 Jakub, J., Director, Personnel Services
 Phillips, W., Executive Director
 Parry, R., Director, Public Affairs



No. S-2

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Monday, May 12, 1986



Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday, May 12, 1986

The committee met at 3:47 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the meeting to order. We have a shortened day today and we have four presentations. As a result, even though we do not have as full a contingent here as I would like to see, we will get under way so we can at least get people on the record and then move to questions when all members are here. The committee will have to rise at 6:15 p.m., I will remind you, for a vote on the throne speech debate.

Our first presenters are from the Ontario Secondary School Teachers' Federation. Mr. Albert, would you like to come forward with your deputation?

ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION

Mr. Albert: On my left is Ruth Baumann, vice-president of our organization, and David Eaton, an executive assistant on staff at OSSTF. To my right is Jim Head, another vice-president of our federation. I am Rod Albert, president of OSSTF.

On behalf of the Ontario Secondary School Teachers' Federation, we appreciate the opportunity to be one of a limited group to reappear before the standing committee on social development.

Let me say quite clearly that, on the basis of the bill's constitutional legality and philosophic base, our organization will continue to challenge this legislation both in the courts and in the political arenas of Ontario.

OSSTF has a responsibility as a protective organization. We want you to understand clearly that our route as an organization really hinges on protecting the individual and collective rights of our members. Bill 30 obviously has the potential for numerous adverse effects both upon our membership and upon public education itself.

Those of us responsible for leading and representing our 35,000 secondary school members have long been troubled by this legislation. Our hope, despite having seen the various amendments proposed for the bill, is that since

OSSTF will be the group most adversely affected, you will listen carefully to both our concerns and our recommendations.

We believe the decision to extend public funding to Roman Catholic secondary schools is essentially an expedient political decision rather than an educational decision. If the moneys designated for secondary school funding were going to improve the quality of educational programs so that students would be better readers, better writers, better mathematicians or better scientists, then as teachers we might understand the government's decision. But separate school funding has little, if anything, to do with education and a lot to do with political expediency.

Bill 30 does not create Roman Catholic separate secondary school boards. Rather, the legislation purports to allow separate school boards the option to elect to exercise the duties of public secondary school boards. In this way, Bill 30 perpetuates discrimination at public expense, and that cannot be disguised. Clearly, in performing the duties of a public secondary school board, separate school boards must not discriminate against employees with respect to hiring, promotion, evaluation and dismissal on the basis of, among other things, sex, creed, race, marital status, etc.

Perhaps it is no coincidence that Bill 30, conceived in 1984, is Orwellian in its sweep, with doublethink and with the ingrained philosophy of all being equal but some being more equal than others.

In his statement of June 12, 1984, proposing the extension of funding, former Premier Davis, in an ironically remarkable bit of doublethink, stated, "We must not undertake a course of action that by its nature or in its execution would cripple or limit the viability of our nondenominational public secondary school system, which is accessible to all and universally supported and which will always remain the cornerstone of our education system."

The substance of the Ontario Court of Appeal decision should be clearly understood by all. It did not hold that there was a right to public funding for separate secondary schools in Ontario, only that the province had the political power to give the funding. It is the view of our

organization that the Supreme Court of Canada, in due course, will uphold the equality provisions of the Charter of Rights and Freedoms and strike down the discriminatory provisions of Bill 30.

Until that happens, we are faced with a bill that the government and the two opposition parties are prepared to impose on Ontario, regardless of the blatant discriminatory provisions in the legislation. Until this fundamental point of constitutional law is clarified, OSSTF will not compromise. Despite our profound objection to the government's decision to proceed with Bill 30 without an assurance from the Supreme Court of Canada that this legislation is indeed constitutionally valid, OSSTF, in the interests of public secondary school education, of the teachers and other employees who work in it and of the students who are the reason for its existence, will present clause-by-clause recommendations and comments on the legislation.

We hold every member of the Legislature who supports this legislation accountable for fulfilling the clear promise made by the Minister of Education (Mr. Conway) in this House in early July "that there is to be no unemployment as a direct result of the policy regarding full funding. No teacher or other employee will lose his job as a result of this policy of full funding." No teacher job loss must mean just that, and if that should prove awkward or difficult, it is the price the minister, the government and all MPPs who support this bill should be prepared to pay for imposing, for political purposes, Bill 30 on the people of Ontario.

Given the limited time permitted to us, we will highlight specifics of the legislation based on five main areas of interest.

To begin, I point to page 3 of the brief. Given my opening comments about the legality and constitutionality of the bill, OSSTF believes that the additional reference to the Supreme Court of Canada's decision is the most compelling justification for the extension of full public funding to one religious group as opposed to all other religions, and we would urge the social development committee to consider that particular amendment.

On page 4, OSSTF, certainly at the Ontario Teachers' Federation and elsewhere, has indicated quite clearly and stated to the social development committee in July 1985, that once full funding is advanced—I realize this is perhaps going to be a procedure through the courts—we are an organization that has represented the interests of secondary school teachers in Ontario since 1919, and once those teachers become

members of public school boards, it is our intention to represent them.

At this point I will defer to Ruth Baumann, who will take us through sections dealing with open and universal access.

Ms. Baumann: The OSSTF would like to commend and applaud the amendments dealing with the access of students to both systems. We certainly believe that the amendment proposed by the minister, which would permit totally open access for all students to both systems, is consistent with the philosophy of public education that this federation has argued for. It clearly establishes that there is no place in Ontario for one system that has the right to refuse students who wish to attend it and another that has no similar right.

The section on fees is on page 30 of our brief. We believe that subsections 136o(3) and (4) of the government's proposal on Bill 30, dealing with the transmittal of fees between the two boards, are unnecessary in the light of the present grant regulations, which do provide for fees to be transmitted between boards where pupils cross boundaries. What is here is certainly consistent with what is in the grants, and we just were not sure it was necessary to repeat it. That is the reason we have argued for its deletion.

The remaining section with which we have the most concern is the section addressing religious education. Let me begin by saying that, in a paper attached to our submission as appendix B, we clearly state that any religious education program that is to be offered by any board of education or separate school board should be a program that students have the right to opt into rather than a program that students are able to opt out of.

Our comments in the right-hand column on page 30 are particularly pointed. We have researched the Education Act quite extensively and can discover no place in the act where any authority is given to any school board, board of education or Roman Catholic separate school board to require, in order for a student to attend, participation in or attendance at any kind of program of religious education or religious instruction. The student's right to attend a school is quite unfettered in the act.

The separate boards are given permissive authority. The section of the act that refers to religious education says that separate school boards "may" establish programs of religious instruction. There is no point anywhere in the act or in the regulations that addresses the question of any board of education or separate school

board being able to compel any student to participate in such a program at the secondary school level.

We would like to start with that. There being no such authority, we have no difficulty with the amendment proposed by the minister that would allow non-Catholic students to opt into such programs. What we do have some difficulty with is the implication and the inference in the original legislation that Roman Catholic students could be compelled to participate in and attend such programs.

The Ontario Schools, Intermediate and Senior Divisions document currently allows Roman Catholic separate school boards to offer courses in religious instruction as credit courses in grades 9 and 10. Again, it nowhere stipulates that it is within the authority of those boards to make those courses requisite for the graduation diploma, and in the paper attached to this submission we argue quite persuasively that if the Ontario secondary school diploma is indeed a provincial diploma, no boards or set of boards should have the ability to add any requirements to the graduation diploma.

The third item to which we would like to draw your attention in the section on religious education is the recommendations of Dr. Bernard Shapiro in the report on private schools. The key one appears on page i of appendix B:

"That each secondary school religious studies credit course be nonconfessional in nature and include a comparative perspective as well as some emphasis on both a theological point of view and general issues in ethics and be developed, as in the case for all other credit courses, from a new Ministry of Education guideline."

It is the position of OSSTF that if any courses in religious education are credit courses, they should be developed in accordance with that recommendation in Dr. Shapiro's report.

4 p.m.

To conclude, we believe that the whole area of religious education is one that becomes very sensitive and very delicate in terms of the charter. It is one that is delicate in terms of people's feelings and their belief systems. It has long been held that programs of a confessional nature can be part of the noncredit program in private schools. They could certainly be offered in publicly funded schools as an extracurricular part of the program. There are groups in some boards of education that offer, outside of the regular instructional program, programs in what could

loosely be called religious education, which students have the choice of joining or not.

We believe there is no authority under the act for separate school boards to require their students to take religious instruction at the secondary school level, and we believe there should not be any such authority; that they should be able to offer the courses, that the program of a confessional nature should be noncredit and that any credit instruction towards the diploma should be in accordance with the recommendations made by Bernard Shapiro in the report on private schools.

Mr. Eaton: I am going to talk about pages 5 and 6, with regard to the minister's approval of a bylaw when a separate school elects to perform the duties of a board at the secondary level.

Needless to say, in today's society and given today's new curriculum, which has been with us for a few years, we have a very difficult mandate in the secondary school. We have three levels of instruction. We have obligations for special education. We are going through the throes of subject changes. We are required to offer a broad program, which includes a compulsory core. With all these difficulties, added to immersion programs that are now moving into secondary schools and requests for computer courses, it is easy to say that a board that elects to take on the duties of a secondary school should do so with some seriousness.

We think, because of this bill and because of the extension, that the minister has to take on a fair responsibility in this area when he looks at the approval of secondary education. On page 6, subsection 136a(3) requires the minister to approve a bylaw. This is fine. We would suggest that approval be given annually.

We say this for a number of reasons. First, I have just outlined some of the complexities with regard to our secondary school program and the reasons to move into those. Second, one may need to review this annually just so we can have a handle on what is going on out there. Simply to approve it one year and allow the extension without something coming back to the minister to look at or approve would not be in the best interests of public education.

You also have in the field the problem of secondary schools that are small and the problem of small secondary schools in isolated communities. We think this section would help to address some of the problems there.

We have looked at the programs and the problems of what is a viable school. You had a presentation from our principals' council, which

tried to look at all aspects of the viable school and what that meant. We agree that definitions are difficult. However, there is no question that if one moves to two separate institutions within a community, there is obviously going to be an impact on both. There is an impact on the program that is there, which they are trying to expand and keep going, and there is an impact on people or areas that are trying to expand a program and live with that.

If you look at the question in the opposite way and say we have a new community that just arrived on the scene because of a mining operation or whatever and we can count on about 800 pupils for the school in that area, I wonder how many of us would immediately jump to the idea that we should have two schools. I sense that we would go to the idea of one school.

We say this for the reasons outlined. The program we are required to give under OSIS, which is a ministry document and mandate, requires a number of schoolchildren to do that. The figures are thrown around, but we are looking at 900 to 1,100.

Obviously, there are areas in the province where the figures get below that for valid reasons of distance or isolation. That is fine. We have to support those small secondary schools in those cases. However, to deliberately break down a small school into two units when we know we have the mandate of OSIS in front of us, I think is unconscionable.

As a little bit of assistance for the minister—and we hope he will appreciate this—we suggest on page 6, under the new subsections, that if student enrolments are under 800, there should be no approval unless they go to an integrated board.

You might say the 800 figure was picked out of a hat. You have to pick a figure somewhere. It lies between the 600 figure of the small secondary school and the 900 to 1,100 figure which talks about the full program being offered under OSIS. We have suggested the figure. We urge the committee to consider a figure, because we believe there is an impact on those programs. We notice other suggestions that have been made to this committee from some other groups that rely upon this.

In the second part, dealing with subsection 136a(5), we suggest the minister should have the power to revoke a bylaw. We believe there could be conditions that we have not yet seen or run up against where the viability of education would come in question. If that does happen, we believe it should be looked at in all seriousness through the planning and implementation commission

and through the minister. If necessary, that should be reversed. After all, program viability is what it is all about from the point of view of public education and from the point of view of OSIS. If we tamper in that area, we do it at educational risk.

I would like to move to page 50 and relate these comments to the idea of a unified school board. We have made a proposal. As you know, the Ontario Secondary School Teachers' Federation has been on record, since the time of Bill 30 and the announcement, as promoting a system of unified school boards. We still believe very much in that concept. We have put in a section that is permissive, but at least the section is here. Perhaps, by being here, it will promote an interest in integrated school boards.

At the bottom of page 50, we note that the Commission on the Financing of Elementary and Secondary Education commented on and recognized the logic of encouraging other structures which integrate rather than separate. We bring that to your attention. I will not go through in detail the reasons we give on the right side of page 50. However, needless to say, as a secondary school organization, we would be prepared to co-operate with our colleagues in teaching and in the public if a system of unified school boards were put into effect or if they were agreed to on a nonmandatory basis.

When you hook the two together, the minister's commitment and the idea of unified school boards, we think there is room in public education for some ideas and some thinking that would protect public education and the viability of programs, especially in the small and isolated schools in the province.

Mr. Head: I would like to deal with the sections on school closure. I am going, to jump around a little bit. The first section is on page 12, section 136i.

We have a great deal of difficulty with the concept of double representation. I think the minister has recognized from the beginning that once there were two separate boards offering similar programs, there would be no need for separate school representatives on public school boards. Yet in the most crucial aspect of the possible closure or transfer of schools, dealing with any aspect of the two-school situation, we have a situation where trustees would have the best of both worlds.

Our proposal would eliminate that double opportunity. As such, the proposal would apply to all sections under section 136. Essentially, we are saying the moment the bill becomes law,

trustees who are separate school representatives on public school boards are in a conflict-of-interest situation. I do not need to remind this House of what happens to conflict-of-interest situations with members of Parliament when we have such a fine example in Ottawa right now.

4:10 p.m.

What we are trying to say is that the duties of the separate school representatives on public school boards, in effect, cease. The original reasoning for those positions, in effect, ceases. We make it quite clear that we have some disagreement with the amendment proposed by the minister since he wishes to extend it to the end of the first calendar year. That means there is a considerable amount of time where discussion will take place by both boards, one board having people who would represent different interests.

I would like to jump to page 49, and I will relate this to pages 38 and 39 because, to us, there is a possibility of misunderstanding. On page 49, the amendment proposed by the minister suggests that, in closing a school, all the procedures that have been developed since 1981 can be bypassed just because it is a result of the extension of separate school funding.

The ministry memorandum from 1981 made it quite clear that if anything caused communities stress and considerable upset, it was the closing of a school. In the various studies that were done up to 1981 and subsequent to that, it was clear that there was a variety of types of school closures and of types of presentations as to how this would be done.

What we have seen since the memorandum came out is a much more uniform and fairer system. There is a public hearing in which it has detailed all the proposed plans. It is a matter of public input. To bypass that at such a sensitive time as the extension of separate school funding would be grossly unfair and would cause considerable difficulty in communities. This is their last chance for real and meaningful input. To bypass that would be wrong.

From there, we take you to pages 38 and 39. Section 136u technically does not deal with school closure. It is almost inevitable that it would deal with school closure, or at least the beginnings of it. We would like some clarification to make our position quite clear on this. We are saying there should be an addition to this section so that in the event of a school closure, whatever input the planning and implementation commission would have in terms of holding meetings, it should hold a meeting and not a frivolous one.

In our proposed amendment, we have tried to build in that at least if the community wanted that meeting, there should be one. We have not simply said it has to be open for any one or two individuals. We are trying to be realistic in terms of how many people would be involved. There is the potential for 25 per cent of the ratepayers to be concerned about a school closure and to have such a public meeting. Section 136u is not mandatory; it is a "may" situation. Within the context of a school closure, the public should have that last right of appeal, and that is what this would be.

If you turn to page 39, you will see we have added another section; it is consistent with page 49, which I just mentioned. It is for the planning and implementation commission to abide by the policies already set down by the ministry in its memorandum on school closure. Within that context, a public hearing would be held, and that would provide the community input and the opportunity for school boards to deal with that in a more meaningful way.

Mr. Albert: I am going to deal with section 136l, which is the meat-and-potatoes section of this bill; it deals with teacher protection.

I am sure many people look at OSSTF and say: "Why don't they just go away? Why do they keep bugging us? Why don't they quit complaining? We can't do anything that will please OSSTF anyway."

I would like to take exception to that and go back to my introductory remarks that, although philosophically and constitutionally we will fight you every step of the way open to us through the courts and the political arena, our proposal—as that of a protective organization—should be looked at very carefully if your concern is for the extension of funding to Roman Catholic separate school boards and for the protection of public school employees.

What we are recognizing in our submission to you is that as a protective organization, we have looked at the issues as carefully as we can. I am going to take some time before we look at the specifics, because I have at least 10 reasons for seeing secondment as a better option than all the complexities being proposed as amendments, amendments to amendments and so on.

I recognize the New Democratic Party has 27 subsections in its section 136l. The minister is still playing with sections 5, 6 and 7 since his April 26 amendment package.

If you think about secondment objectively, Bill 30 would not have interfered with the employment relationship of anyone in a public

secondary school in this province, and should not have interfered with anyone. Without Bill 30, people would continue to work for a public school board. That has to be recognized, I guess. If there had been no Bill 30, those of us who will be affected because of the extension of funding would be the responsibility of the public school board.

We believe every teacher should have the right to choose secondment. We think there are a lot of advantages in that, and I will get to them in a moment.

We think secondment reduces teachers' and other employees' anxiety about working for a new board in a new situation. In fact, the individuals would still be employed by the employer with whom they initially signed up and would be represented by the same union.

The next point I would like to stress is that secondment does not require the same interference with Bill 100, the School Boards and Teachers Collective Negotiations Act, under which we bargain. In fact, there would still be respect for the local agreement in terms of a secondment model.

In particular, I would like to address seniority. What all your proposals and amendments will continue to do is to wreak havoc with seniority systems in this province. The first people designated and protected by the Roman Catholic school board, as you people all envision, are perhaps the most junior people in our schools. When the fallout occurs, we go through seniority.

What is going to happen in year two, year three or year four is that there will be people in the public school system with three or four years' seniority who will be declared redundant before we get to the protection of separate school funding. Those people are going to fall through the cracks. They are not going to be protected by this legislation. You will have protected some junior people rather than those individuals. I would say that has a seriously adverse effect upon our membership.

The secondment model permits Roman Catholic school boards the opportunity to consider secondees for permanent employment. We have had this attitude about who will be appropriate in Roman Catholic school boards as employees. Under the secondment model, we would not be adverse to individuals being offered full-time employment. At that point, it is a career choice. If the teacher or custodian decides that, he or she being offered a full-time position and the separate school board wishing that employment,

then he or she makes a career decision and leaves behind all the other complexities that Bill 30 envisions.

4:20 p.m.

The present legislation establishes a permanency which we believe will militate against many public school board employees willingly volunteering. If there is no way back, if you immediately become the responsibility of the Roman Catholic school board, who is going to want to look and see? I think you discourage some people from volunteering. We believe there will be fewer conscientious objectors in a secondment situation, because the individuals will continue to work for the public school board. Protections may still be needed for a few individuals in terms of conscientious objectors, but we think the problem will be minimal.

You must understand the nature of the extension of funding and the fact that Roman Catholic school boards are envisioned to continue discriminatory hiring and promotion rights. I have no idea how many of my members are Roman Catholic. It has never been an important consideration for our organization until Bill 30. Now there is an insidious type of pressure on our Roman Catholic members to take the jobs that may become available in the Roman Catholic school boards. Roman Catholic school boards would prefer this. They would prefer to have the Catholic members of OSSTF. We think that is unfair to our Catholic members.

We are proud of the fact that we represent a cross-section of denominational membership within OSSTF, and we want fairness for all our members. Our Catholic members should not feel an extra degree of pressure to be the first to apply for the positions with Roman Catholic school boards, yet with the kind of anxiety that exists out there, that is a reality.

Again, you are more likely to get volunteers from secondments because the individual can say: "I thought of teaching in a Roman Catholic school board. This gives me a chance to see if it is really that much different. If I want to stay there, that is fine; if I do not, I am still protected because I am working for the public board."

From the employee's point of view, because he is still working essentially for the public board and it is his services that are being bought by the Roman Catholic school board, he has the opportunity to volunteer to be a secondment. You have to go back to our second point, that everyone should have a chance to volunteer for secondment. That would give us a better mix and match too.

There is a point that has to be stressed, because I know a couple of amendments deal with secondment as an option. I want to speak against secondment as an option because I do not think it should be one of a series of possibilities for dealing with staff. I think it should be the regulated route in all cases. It should be the preferred regulated route. Otherwise, as an option, our members are vulnerable to either public or separate school board veto.

You may not think that is likely to occur given this wonderful co-operation I keep hearing about across this province. Let me refer for a moment to the Ontario Public School Trustees' Association brief, which was presented to you on Thursday last. At the back of that brief is a letter signed by three individuals representing the Association of Large School Boards in Ontario and the Northern Ontario School Trustees' Association. They list a number of items on which they agree.

OSSTF, OPSTF and the Federation of Women Teachers' Association of Ontario had been, at one point, invited to participate in signing that particular letter. We agreed. We had to withdraw our agreement. I have a draft of that letter with six signatures here. The section that was pulled out of that letter was that no elementary or secondary teacher or other employee shall suffer loss of employment or benefits as a result of the extension of funding to the separate school system. Clearly, we think that is at the heart of section 136l and the protection that teachers need.

Bill 30 offers a great deal to separate school supporters. There appears, however, in the proposed amendments to be agreement that fiscal responsibility for public school employees resides with Roman Catholic separate school boards. Perhaps fiscal responsibility does reside there, even in a purchase of services, but certainly when I consider the situation for our members and other public school employees, the boards are happy to be relieved of the responsibility of our employment.

In many ways Bill 30 can be seen as a piece of legislation that is anti-worker and interferes with union representation. It certainly intrudes in the normal...bargaining process at the local level in this province. Of that, I do not think there can be any doubt. When all things are considered, our organization would suggest that secondment is fairest for everyone, school boards included, but particularly the employees of the public school boards. We think the proposal is also simpler.

If I can quickly take you through the next few pages, from page 15 on, subsection 136l(1), as we envision, on the right-hand side is an extension of subsection 136l(1) as initially proposed by the government in July, 1985, with the reference to regulations and in accordance with appropriate collective agreements. The last part has the hiring freeze that OTF suggests and which I think accepts in its regulations that have been mailed out across the province.

Turning the page, subsection (2) deals with yearly designations and a reporting function in clause 2(b), which we think is important. Subsection (3) is the heart of secondment in our proposal. That the teaching contract, employment contract or employment relationship, as the case may be, shall remain the responsibility of the public board.

When Bill 30 first came out we felt subsection 136l(8), on page 16, was the heart of the legislative guarantee for public school employees. I would suggest too that everything we have seen since that has been a step backwards in terms of protecting our membership.

Turning the page to similar employment, which would be proposal 4, subsection (4). Again, we think this provides flexibility in terms of similar employment. For instance, if a principal in a public school is one of the positions that is lost, there may be the opportunity in terms of salary being protected and so on for that individual to be a vice-principal perhaps in the Roman Catholic school board and offer much valuable administrative assistance to the board. We would say that would be similar employment.

On page 18, when a suitable position exists, again we do not think people should be terminated in that situation. We have built what we hope is an incentive in the second sentence, "costs associated with the continued employment shall be the joint responsibility of the Ministry of Education and the Roman Catholic separate school board."

We say that because we think that will offer to Roman Catholic school boards in these kinds of situations the opportunity to get a teacher for half price and to use that person, we hope, in an educationally sound fashion, whether it was as a permanent supply teacher, or in whatever fashion might be appropriate, considering similar type employment.

Subsection (6) still permits conscientious objectors to refuse secondment. Again, I do not think there will be that many. That is my opinion

on this item, again, because the employment relationship is continued.

The "slip year" on page 19 is not new. Positions continue to accumulate. The arguments are well known on the slip-year provision.

Seniority definition, we have accepted from section 136l(17) as the proposed amendment by the minister. On page 20, the transmittal of lists is essentially information sharing. Subsection 10, the retroactive protections. I suppose in some ways, like Mr. Conway's subsection 136f(6), we want to be sure that any individual who is in a position where there has been a monetary impact can be assured that will be redressed.

4:30 p.m.

On page 21, we make a point about retirement gratuity, which we hope you will consider since this committee did a lot to initiate Bill 103, for which we certainly thank you. The window is going to play havoc with all school boards in terms of additional retirements. That is at present an unfunded liability. There are many restrictions on that fund. We would encourage the government to look at that issue very clearly and quickly.

The nondiscrimination section which we see replacing subsections 136l(19) to (21) is reflected in spirit in some of the amendments proposed by all parties. It is a matter of what we believe and when it should begin, perhaps even a matter for the Supreme Court. While recognizing a political desire to extend funding to Roman Catholic school boards, the underlying premise has to be that just as you have accepted open access for students in publicly-funded system, it is now hard to argue that the employees on the other hand will be discriminated against. We would urge you to consider open hiring in those situations.

I know we are taking up some time here, chairperson; I see you eyeing the clock. We have only one more section to deal with, and I will turn to David Eaton for that.

Mr. Eaton: There are a number of items we would like to bring to your attention because we do not have time to highlight all the items in the brief. I would like you to turn to page 22 and 23, where we have what I believe is a creative suggestion with regard to a tribunal to look at issues that affect people.

It is fair to say that when we are dealing with people we need a quick process and one that would work fairly well. I would draw your attention to the key points of this suggestion on page 23, which is basically to set up a tribunal on a regional basis so it would be there for use. Each

tribunal would have three persons. The major groups involved, the Ontario Teachers' Federation and the Ontario School Trustees' Council, would have a chance to submit a list of possible appointees to the minister. Then there would be one person from the planning and implementation commission who would act as chairperson.

We would not see the tribunal being there on an all-year basis, necessarily, from the point of view of activity. We would see most of the activity, if any, being in the April, May staffing times. We feel the idea of having it on both a regional and permanent basis would effectively be a way to deal with some of the problems that have to do with personnel.

Hopefully, the problems will be few and far between, but we are concerned about any of the other processes that take such a long time and have the possibility of somebody opting out of a process, and then elongating that. We think the main idea is to have the tribunal in place, quick access to it, the major groups involved with the minister, and the right to appoint these.

That continues on page 23 and page 24. Those are the main ingredients of it. We think it is a creative idea, and we would urge the standing committee on social development to have a serious look at it as an alternative.

On page 34, I would like to address for a minute some of the aspects of the planning and implementation commission. Although some of the items have been addressed by amendments, we are still concerned about the planning and implementation commission and its scope of operations, as are many other people.

It is fair to say, in this section and in other sections of the bill, where we get involved in looking at prospects for the future, that we should be looking at the possibility of regulations or directions laid up fairly clearly, not things that would change from time to time on the whim of the planning and implementation commission in its recommendations to the minister.

We would urge in this section—and we notice that it has been broached in other sections—that, when it comes to those critical points and issues which are a little broader, at least the parameters of those be addressed from the point of view of regulations.

The last item, Mr. Chairman, is on page 42. I do not intend to go through this whole section, because the whole section was revised and it is complex. We are not bothered in general terms by the section and its dealing with disputes between boards. We are rather concerned, though, that the teachers' federation, bargaining

agent or agents affected by dispute, or potentially affected by dispute, are not involved.

At first glance one would say there may not be an implication but we know when you get into physical plant and movement of physical plant and any dispute of that sort, the implications for the people involved, the bargaining agent or agents involved, can be critical. We would urge the committee to look at that aspect of it. As I say, we are not overly concerned with the generality of this or where it is going but we are concerned about the involvement of the people's side of that process and the bargaining agents that might be affected by dispute which purportedly is about property and not about people. We urge you to look at that very seriously.

Mr. Albert: Just to conclude, and I appreciate until last week you had heard 886 briefs in the 10 months since we have had Bill 30, 23 months from Premier Davis's announcement. I would ask you to bear with us for a couple of more minutes.

Some of you may recall the OSSTF poster we used last fall for the school board elections. The message on that poster was true then and it is even truer today. Our good friend Egerton Ryerson would weep. We have copies for every member of the committee which we will leave with the clerk before we leave.

May we remind you that Ryerson, the founder of our public school system, believed that Ontario schools had to be free from sectarianism and open to all on equal terms. Indeed, our public schools have traditionally been and will continue to be a bastion of democratic ideas which we cherish as members of a tolerant and enlightened society.

Since our founding in 1919, OSSTF has supported the philosophy of public secondary education that is open to all and has opposed the extension of public funding to denominational or private schools. In large measure, public secondary schools practised the value of the Ontario Human Rights Code long before it became the law of Ontario. Yet, today Ryerson would weep. One hundred and thirty years after Ryerson's commitment to a universally, accessible system of education, he would weep to behold the directions of education in our province. In a holistic society such as ours, which can be characterized as multicultural, multiracial and multilingual, a shared education experience is the cornerstone of our democracy. Unity through shared learning experience can be a countervailing force to factors which split and fragment our society.

Then there are the costs. The significant costs of the first moves towards extended funding indicate that total implementation will place a tremendous tax burden on Ontario residents. Some \$26 million was transferred as of December 31, 1985 towards the first minimal phase of extended funding. It is projected that to complete these modest proposals to the end of June 1986, an additional \$117 million will be required. Yet, it is unlikely that Ontario can support two first-class public systems of education.

In the last 10 years the government has continued to reduce the province's share of funding for secondary education, from nearly 60 per cent in 1975 to under 40 per cent last year. The harsh fact is Ontario has been living off its capital stock for the past decade.

Premier John Robarts in the 1960s, believed that the government could not afford to duplicate the funding of two complete systems of education. That was in a period of unheralded growth. How can it be managed today?

We are proud of the fact that since 1983, before Premier Davis's pronouncement regarding separate school funding, our organization was advocating a system of educational governance that makes sense for our times and makes sense for our society. That system is unified school boards, which David, highlighted. We believe unified school boards would strengthen Ontario's social fabric, eliminate the needless duplication of services while offering greater educational opportunities for all students in all parts of Ontario.

We are proud of our profession with its rewards and its responsibilities. We do not believe that it is an overstatement to assert that public education is the cornerstone of the growth of a democratic society. That is why we take such pride in our public school system, the mirror of our multicultural and multirelational society.

4:40 p.m.

As a protective organization, we have tried to show you pragmatically how to do what you are trying to do, while protecting the best interests of the public schools and the public school employees. We believe what we have offered to you is the fairest method for dealing with employees and at that point, we thank you very much for your time and attention. We certainly hope, in terms of your deliberations, that you will take what we have put before you as seriously as the thought, effort and concern that went into it from the leaders and those responsible in our organization for protecting our members.

Mr. Chairman: I thank you Mr. Albert, Mr. Head, Mr. Eaton and Ms. Baumann for your presentation. Again, it will be a very useful document for us to use as we go clause-by-clause and you can be assured that most of the points you raised will be raised again by the members as we debate each of those sections. If it is alright with the committee members, I would prefer not to go to a period of questions now but to move on to the next group or we will have difficulties hearing everybody today. Is that acceptable? Mr. Davis.

Mr. Davis: It was my understanding that the committee members would have an opportunity to ask at least one question. I realize time is running late but I also realize that the people coming before us had a period of time to come before us. I was led to believe that we would have at least the opportunity to ask one question.

Mr. Chairman: I presumed that we would have more time than this, but as members were late getting here, it slowed me up in starting and it was a very long presentation. We have other groups coming. I am in your hands; I was just asking.

Mr. Davis: I would prefer to ask a question.

Mr. Chairman: So we go to questions. Mr. Davis.

Mr. Davis: Just a short question. One of the representatives who just responded would prefer the original section 8 of Bill 30, where the designated teachers remain within the public board, whether that would be because of conscientious objection or because no position is available, rather than the new proposal where they go into the separate school board?

Mr. Albert: I can answer that very quickly. Absolutely.

Mr. Davis: Thank you Mr. Chairman. I told you it would not be long.

Mr. Chairman: Thank you very much for your presentation. I assume that somebody from your organization will be around as we go through the clause-by-clause. It is a time when immediate references are often very helpful to committee members. Since we have not had the time for dialogue here, it might be an appropriate thing for me to suggest.

Mr. Albert: Thank you. You anticipated my concern regarding the clause-by-clause.

Mr. Chairman: I would like to present the members from l'Association des enseignants et des enseignantes franco-ontariens. Bonjour.

Mrs. Bourdeau: I would like to introduce to the committee Mr. Jacques Schryburt, secretary general of the association and I am Lise Grégoire-Bourdeau, president of l'Association des enseignantes et des enseignants franco-ontariens.

On behalf of the members of the association I wish to thank you for allowing us to make a second presentation to the standing committee on social development studying Bill 30. The association has some particular concerns with certain sections of the Bill and would like your committee to consider specific amendments. Our presentation will be short. We hope to clarify the association's position while answering questions if there are any.

Allows us to indicate at the beginning that AEFO supports most of the presentation made by the Ontario Teachers' Federation, in particular the comments related to voluntary transfers, the Common Guidelines on Staffing and Contractual Issues, the designation of positions rather than persons and the comments on staff dispute resolution.

In this brief, the association invites the committee to consider amendments dealing with allocation of taxes, access to French-language education, religious education courses, distinct collective agreements and block transfers.

Allocation of taxes: The association believes that sections 136j and 136k should allow a separate school supporter to pay his or her taxes to the separate schools for elementary purposes and to the public schools for secondary purposes, or vice-versa.

We therefore recommend that subsection 136j(1) be amended to read, "Every separate school supporter paying rates on property in the area of jurisdiction of a Roman Catholic school board is exempt from the payment of all rates imposed for secondary school purposes of a public board to the same extent that the person is exempt from payment of rates imposed for public elementary school purposes, if he or she chooses to pay all rates imposed by a Roman Catholic school board for secondary school purposes."

Access to French language: AEFO believes that the amendments to subsections 136o(1) and 136o(2) proposed by the government are important and should be accepted by the committee. They would deal adequately with the problem of French-language students. In the event that the proposed amendments are not acceptable to the committee, we suggest that it is important to deal with the issue for Francophones and would propose the following amendment, which would

read, "Notwithstanding subsections 1 to 5, a pupil who has a right to receive education in the first language and qualify as a secondary school student has the right to attend a secondary school offering a program in the French language under part XI of the Education Act, whether that school be operated by a Roman separate school board or a public school board."

Religious education courses: AEFO would like Bill 30 to deal separately with religious education courses in French-language schools. AEFO believes that any student in a French secondary school operated by a Catholic school board should be exempted on request from programs and courses in religious education. Furthermore, AEFO believes that public school boards offering secondary school programs in the French language should be allowed to offer programs and Catholic religious education courses at the secondary school level. Bill 30 should, therefore, be amended by the addition of two subsections, which read,

"Notwithstanding subsections 6 to 15, a student enrolled in a Catholic secondary school under Part XI of the Education Act is exempted from enrolment in or attendance at programs and courses of study in religious education upon application in writing."

New subsection 136o(17): "A public school board is allowed to offer programs and courses of study in religious education at the secondary school level in schools and classes established under part XI of the Education Act where the coterminous Roman Catholic board does not make an election under 136a to provide services in classes or schools established under part XI of the Education Act."

Distinct collective agreements: Most of the members of AEFO currently teaching at the secondary school level enjoy the benefits of a collective agreement distinct from the collective agreement of their colleagues at the elementary level.

AEFO believes that Bill 30 should allow these members who may be transferred to a Roman Catholic separate school board to enjoy the same right or privilege. The amendment we are proposing would not be contrary to the provision of Bill 100, which allows branch affiliates to negotiate jointly if they wish to do so.

The new subsection would read as follows: "Where a separate school board performs the duties of a secondary school board in accordance with this act, the provisions of the School Boards and Teachers Collective Negotiations Act will apply distinctly for separate secondary school

purposes and for separate elementary school purposes."

4:50 p.m.

Block transfers: Section 136h allows for block transfers of French-language secondary schools from a public board to a Roman Catholic school board. In the event of such a block transfer, AEFO feels that a one-year notice should be given before a transfer takes effect. The notice would allow the community, including the teachers, to be involved in broad consultation.

The new subsection, 136h(3), reads: "A transfer under subsection 1 shall be effective one year after the minister has approved the plan of such a transfer."

In conclusion, those are the amendments that AEFO would like your committee to consider seriously. We are aware of the importance of the regulations that will be drafted. We invite the committee to ensure that those regulations will protect the viability of French-language education in areas of the province where there is only one French-language secondary school serving one or many communities. We thank you for the opportunity to be here to discuss these issues.

Mr. Chairman: Any questions from the committee members?

Mr. Reycraft: I wonder if we could have some explanation of why you think the split-assessment provision should be added to the bill.

Mr. Schryburt: In most areas of the province, the French-language population is presently receiving education at Catholic elementary schools and public secondary schools. They will probably want to continue to do that. We would like them to have the opportunity to do so, and not force the French-language community to choose Catholic secondary school education by way of having chosen to send their children to Catholic elementary schools.

The problems a lot of parents will be facing is that if they have children in a Catholic elementary school, they will have to pay their elementary school taxes to the Catholic system. If, by doing that, they also have to pay their taxes for secondary school purposes to the separate schools, their children will not be allowed enrolment in a public secondary school. We would like the people to maintain the right to split their taxes.

Mr. Reycraft: Well, do not the proposed government amendments, which allow open access to both systems, relieve your concern?

Where is the downside in attending the one school where taxes go to the other system?

Mr. Schryburt: Yes, I think you are right. If the proposed amendments are accepted, they would solve most of those problems.

Mr. Reycraft: I have one other question on your comment about enjoying the benefits of a collective agreement distinct from the collective agreement of colleagues at the elementary level. Could you give us some examples of differences? My knowledge of those agreements is that whenever there is a discrepancy, that is usually closed the following year and never allowed to become terribly significant.

Mr. Schryburt: I am not sure I understand your question.

Mr. Reycraft: What are some of the benefits the teachers would have in their collective agreement that their elementary counterparts would be without?

Mr. Schryburt: Presently, most of the collective agreements our members enjoy at the elementary school level under separate schools contain absolutely no provisions for secondary school purposes. They contain no provisions for staffing at the secondary school level, because we have almost no members working in grades 9 and 10 under separate schools. We have very few.

If we take an area like Timiskaming or Renfrew, our collective agreement at the elementary level under the separate school board contains no provisions for staffing, department heads, how the school would be organized; all those things are really not applicable, because there are no such schools.

If the teachers moving from the public secondary schools to the separate schools at the secondary level do not have the possibility to negotiate a distinct collective agreement, it will be difficult for them to have the opportunity to address those issues.

Mr. Reycraft: But if the separate board elects to extend, are they not going to have to negotiate all those things into their collective agreement?

Mr. Schryburt: They will have to negotiate and they will not be forced to provide. Simply, they will have to negotiate them.

Our members who are teaching in the public schools at the secondary school level have a certain fear that they will not enjoy the same conditions of employment when they are transferred to secondary schools unless they have the possibility of jointly negotiating their own collective agreement. We have some members at

the elementary level who have some fear that if they cannot negotiate their own collective agreement separately from their secondary school colleagues, that some of the moneys made available to school boards for elementary school purposes might be used to support programs at the secondary school level. Those are true preoccupations of the people.

We feel it is not very complicated to allow people to have two collective agreements that exist currently under the public boards. We have members with the Ottawa Board of Education at the secondary school level with a collective agreement that is distinct from the one that our members enjoy at the Ottawa Board of Education elementary schools. There is an agreement in Timmins, where the separate school will accept a transfer of l'école secondaire Thériault. In its wisdom, the Timmins separate school board has agreed, if that transfer occurs, to respect all the provisions of the collective agreement that our members currently enjoy at l'école secondaire Thériault.

It is an area where a school board has already accepted that principle. We feel it is very important because we are not only looking at legislation, but also we are looking at how people feel when they have to start in a new project and they know the legislation will give them some protection in terms of employment for a period of time, but the conditions may not all be the same.

Mr. Allen: I have a brief question. The OSSTF made an observation with regard to religious education in Catholic schools. They did not think that under the act it could be compulsory. Is that your reading of the status of religious education in separate schools?

Mrs. Bourdeau: That it should be compulsory?

Mr. Allen: That it really is not, legally speaking, compulsory. This bears on your point about whether French students, who take the compounded anglais and française and then all the religious education courses, end up with such a large program of compulsory subjects it leaves them almost no time for electives.

Mr. Schryburt: We have not looked at that as extensively as the OSSTF has. I thought that what the school board could do was what was permitted under the legislation. It is true that in the Ontario Schools, Intermediate and Senior Divisions curriculum guidelines there is nothing to indicate that a school board might have the power to impose new provisions for courses, but school boards adopt policies where sometimes

they encourage students to follow certain courses.

A few years ago, *française* was not an obligatory subject in French-language secondary schools. Certainly, we strongly encourage all our students to enrol in that program. There may not be a legal possibility for the school board to force students to take religious education credits; there might be some pressure exercised on the students that they should.

5 p.m.

Mr. Jackson: My question is similar and on that point. I believe OSSTF recently made the suggestion in its brief that religious instruction not be a credit course. Do you concur with that?

Mr. Schryburt: Not at all. We believe that a course in religious education should be offered in separate school boards at the secondary level. Our position is that it should not be a compulsory credit but it should be offered. If a student successfully completes the program, he should be credited. We go further by saying that, in areas of the province where there is only one French-language school operating at the secondary level, a public board of education should offer courses in religious Catholic education and be allowed to give credits for those courses.

Mr. Chairman: Thank you both for coming. I am glad you brought your concerns to our attention, so we can add them to our list.

The next presenters are from ALSBO, the Association of Large School Boards in Ontario, the yellow document the members have. We have about 35 minutes for each of the next two groups.

Hon. Mr. Conway: I want to serve notice I will stay as long as I can. I will be called away to make a small contribution to a debate upstairs, so I do not mean to be rude. I will stay as long as I can. I hope it will be quite a few minutes, but I wanted to serve notice lest anyone get a wrong impression.

Mr. Chairman: If it is the wrapup, I presume you would want to make it brief anyhow, would you not?

Mr. Jackson: If I had a statement in the throne speech, I would be brief too.

Mr. Chairman: Mrs. Waese, introduce us to your colleagues and take us through the brief.

ASSOCIATION OF LARGE SCHOOL BOARDS IN ONTARIO

Mrs. Waese: Thank you. I appreciate it. I am Mae Waese, representing the Association of Large School Boards in Ontario. To my immedi-

ate right is Lorraine Flaherty, the executive director of ALSBO, and to her right is John Sale, our government relations officer.

I would also like to add that ALSBO appreciates this opportunity to address the standing committee on social development in the light of the proposed amendments to Bill 30.

ALSBO continues to oppose Bill 30 in principle. We also oppose the implementation of Bill 30 before its constitutionality has been determined. Bill 30 is an unwelcome piece of legislation which does nothing to advance the quality of education. It does nothing to advance opportunities within education for either staff or students, and it does nothing to promote better understanding between disparate groups in a multicultural society.

I would like now to identify specific issues. However, ALSBO's comments on Bill 30 are made without prejudice to the Supreme Court deliberations, and are submitted only in the event that Bill 30 is ruled on appeal to be constitutional.

ALSBO continues to be concerned at the use of a preamble in Bill 30, particularly a preamble which blatantly sets out to justify government motive for political action. The content of this preamble is highly questionable, referring to the spirit, as opposed to the letter, of constitutional guarantees given in 1867. The preamble to Bill 30 sets a dangerous precedent by attempting to enshrine in legislation a constitutional precedent which has no claim to such status. ALSBO reiterates its position that this preamble should be removed from Bill 30.

We would like to express our appreciation of the government's efforts to revise a number of clauses on which ALSBO has expressed reservation. For example, it is essential to permit reciprocal agreements between public and separate boards to ensure a high quality of instruction for pupils. However, it becomes imperative to ensure that fees paid for services by one board to another reflect the actual costs of educating a pupil from another jurisdiction. The calculation of such fees should be based on the full recovery by the receiving board of all costs associated with educating the sending board's pupil.

ALSBO is pleased to see the government's move towards open access for all pupils to separate secondary schools. It is a fundamental principle and a basic right that a publicly-funded education system is open to all members of the public. Such access should also be without condition. To this end, the section dealing with availability of accommodation should be struck from the Education Act.

The public school system is not entitled, nor should the separate system have the opportunity, to deny a pupil access to education, whether technical, vocational, special or regular programs, on grounds of accommodation. It is too easy to use lack of accommodation as a guise for discrimination on the grounds of religion or academic ability. Accommodation can be the excuse for discrimination against students who cannot otherwise be included in the mainstream of education. This possibility must not be allowed to arise.

Universal access raises problems of costs. Grant regulations determine what a receiving board can charge a sending board for the instructional program it provides. Many courses exceed the average per-pupil costs of regular day school programs and are not recognized for grant purposes as "high cost."

The fees that public boards are allowed to charge do not include capital or transportation costs. Present regulations work against public boards where there is a high concentration of specialized, high-cost programs at the secondary level. It is far less expensive for a separate board to purchase such programs from the neighbouring public board. A change in grant regulations to recognize program funding, as opposed to per-pupil funding, will enable public boards to sell the full range of secondary school programs at full recovery cost.

One very important point is that in the current legislation the minister has the authority to make regulations which set the fee owing to a board when another board purchases programs or services for its students. Such regulations are not subject to the approval of the Legislature as a whole. There must be a guarantee enshrined in legislation providing for full program-cost recovery for the receiving board.

Together with the basic principle of universal, unconditional access comes the right of exemption from religious programs. ALSBO commends the government's amendment providing for automatic exemption from programs and courses of study in religious education.

We would further recommend that automatic exemption from religious activities and exercises also occur, and we suggest that the amendment be reworded to include such further exemption. However, pupils should have the option of taking, as a credit under the Ontario Schools, Intermediate and Senior Divisions document, courses of a confessional or nonconfessional nature, and public boards should have the ability

to provide such courses where it is considered appropriate.

On the subject of programs, we would like to refer to the New Democratic Party proposal to create joint, public-separate board committees. It is ALSBO's position that the ministry should encourage the joint management of such programs, but we do not think the establishment of committees should be mandatory. Local boards know local conditions best and will establish contacts at appropriate levels to work out mutual solutions.

There is some concern with regard to continuing education, special education, technical and vocational and specialized arts programs. If the separate schools establish programs in these areas there is a real possibility that a reduced quality and level of service will result because enrolments will be too small. Such committees, as outlined in the NDP proposal, could have a positive role to play in the co-ordination of planning and co-operation between coterminous boards.

5:10 p.m.

I would like to direct your attention to the NDP proposal to designate positions, not persons, for transfer to the separate school system. ALSBO is in agreement with this proposal.

Most public boards are facing declining enrolment as a phenomenon separate from the possible loss of students to the Roman Catholic system, and a distinction should be made here. Positions should be identified on the basis of the total number of students to be transferred from a particular public board.

Transfer of positions rather than persons would also answer any difficulties arising from problems of matching qualifications between the two systems. As a matter of principle, ALSBO must reiterate its position that there can be no discrimination whatsoever with regard to the hiring or promotion of teachers or nonteaching staff within a publicly-funded school system. We are opposed to any arbitrary time period after which Roman Catholic boards are in fact permitted to discriminate, resurrecting old problems and inflaming old animosities.

ALSBO supports the government's proposals affording protection to redundant elementary as well as secondary teachers. We also support moving responsibility for employment of designated persons from the public board to the Roman Catholic board. However, we should point out that, with regard to the payment of arbitration fees in the event of a dispute over designation, school boards cannot accept liabili-

ty for such fees automatically. This is particularly the case where one of the parties is an individual teacher who initiates, or is involved in the initiation of, arbitration proceedings. Many disputes over designation could arise and be extremely costly to the public and separate systems. The government cannot write legislation and expect others to pay for the consequences. Such costs should be borne by the Ministry of Education.

I would like to turn the committee's attention to section 136j which, if implemented as it stands, will result in the transfer of significant assessment from the public to the separate school system. While we recognize that there will be a reduction in cost to the public school system as enrolment declines through the transfer of students to the separate schools, it should also be recognized that there is little or no relationship between the loss of taxation revenue and the reduction in the costs of the educational program.

Former Premier Davis promised that the separate system would not be funded at the expense of the public system. Yet none of the three political parties has addressed the question of where the revenue is to come from. There are no amendments that address the impact of the sudden transfer of assessment in January 1987 from public boards to separate boards. In our last submission we pointed out that a loss of pupils, while achieving some cost savings, will result in a loss of grant revenue within the grant ceiling.

The proposed legislation provides no guarantee to the public school ratepayer other than a significant reduction to the tax base of that ratepayer. It is not surprising that statements to the effect that funding of Roman Catholic secondary schools will be accomplished at no direct cost to public school ratepayers are taken with a fair degree of scepticism.

Lorraine, my voice is going. Will you continue?

Ms. Flaherty: We believe that the impact of the transfer of assessment of this magnitude on such short notice has not been fully assessed. The expenditures on education in Ontario in 1984 were in excess of \$6.5 billion. By necessity the funding of such expenditures is based on complex, interwoven principles and factors.

The Macdonald commission recently released its report on the financing of elementary and secondary education. In the report alternative methods for generating revenue for education are discussed and the education community is currently preparing responses. ALSBO strongly urges the committee to insist on a full analysis of

the potential impact of the funding of the separate school system on education as a whole in Ontario, before Bill 30 is passed.

With respect to the planning and implementation commission, ALSBO supports the government amendments which will make the commission more accountable. In particular, we commend the requirement that the commission table an annual report in the Legislature. We also support the deletion of subsections giving the commission the power to issue guidelines. We believe that political responsibility should remain with the Minister of Education. However, we note that the ability to resolve disputes between boards has been transferred from the planning and implementation commission to a tribunal, again appointed by the Lieutenant Governor in Council, with powers as arbitrary as those formerly assigned to the commission.

There is little doubt that the transfer of property will create disputes between public and separate boards if the government's legislation in this regard is implemented. There are already procedures in place with which both the separate and the public boards have complied. These procedures are set out in the Ministry of Education's financial and architectural memorandum 10, 1981. The memorandum provides for the leasing, rather than the transfer, of ownership of property. School boards, whether public or separate, are permitted to sell property only at fair market value. ALSBO believes that the present formula constitutes fair market value.

The memorandum also provides for the resolution by the minister of disputes regarding accommodation. ALSBO still feels that ministry memorandum 10 is appropriate for the transfer of property and we urge the committee to review the position which we presented in our original brief in September 1985 and which is attached to our present submission as Appendix 1.

This concludes our presentation today. On behalf of the association and on behalf of Mrs. Waese and Mr. Sale, I would like to wish the committee success in its deliberations. I am sure this is a very difficult decision for you, going into a clause-by-clause basis. If you have any questions, the three of us would be happy to try to answer them.

The Vice-Chairman: Thank you very much. Members of the committee, we have about 15 minutes or so. Could you try and be specific with your questions. Do you have questions?

Mr. Reycraft: I am not sure where it is exactly in the presentation—I will find it in a moment—but

could you elaborate your concern about the positions versus persons argument?

Ms. Flaherty: Certainly. John Sale, did you wish to talk about that? That was the point you wanted to make.

The Vice-Chairman: It is on page 6, Mr. Reycraft.

Mr. Reycraft: Thank you, Mr. Chairman. You have been helpful this afternoon.

Ms. Flaherty: It is on page 6, second paragraph.

Mr. Sale: As the committee is well aware, the question of positions versus persons is one which has been supported by a number of groups, and not just ALSBO. It is basically concerned with the question of making a distinction between positions lost because of declining enrolment and positions lost as a consequence of extending the funding to the separate school system. Amendments put forward by the government have also addressed certain problems that refer to matching qualifications and positions available, and we feel that transferring positions rather than personnel would also answer that issue.

Mr. Reycraft: I still do not understand how you can do that. How can you transfer positions?

Mr. Sale: We believe they can be transferred. Excuse me a second; I must refer to my notes here. According to the public board's existing staffing ratio, the separate board could determine its obligation to hire from the public board's list of redundant positions.

Mr. Reycraft: I can understand where in the process we have to identify the number of positions that are vacant in the separate system, if it is expanding, but when it comes to transferring and identifying what is redundant, it is teachers who will be redundant and who will be transferred, as well as other staff members. It is people.

Mrs. Waese: It is programs that get transferred out. You lose programs if students move. Instead of two math programs, you may need only one math. The separate school system would need program qualifications. It would indicate they need a physics teacher, a math teacher or a head of a department. Those are the positions that would have been phased out of the public school system. They should be looking for qualifications for specific program positions.

Mr. Reycraft: The agreement would say that after going through the process, the separate board would have an obligation to hire three math

teachers, two English teachers, one combination phys ed, history and Latin—

Mrs. Waese: Exactly. Public school teachers would then apply for them, so you would not be saying Mr. X and Mr. Y have to shift over. You would not identify the individuals who were transferring systems; you would identify the different needs you have in the different systems.

The Vice-Chairman: While you pause, Mr. Reycraft, Mr. Offer has a supplementary on that point.

Mr. Reycraft: He cannot talk today so this is going to be interesting.

The Vice-Chairman: We will have to listen very carefully.

Mrs. Waese: I identify with your problem, Mr. Offer.

5:20 p.m.

Mr. Offer: To carry on with Mr. Reycraft's line of questioning, on page 7 you reiterate support of the proposals. You talk about secondary teachers and designated persons. How does one reconcile the support of the individual as designation and then on the previous page talk about the position? It may be that in the final result, if we go by the person route, we will eventually get that particular protection that you wish because of your support of subsections 136l(1) and (3). I am wondering if you have directed your mind to that.

Ms. Flaherty: This refers specifically to a concern we had in our original submission, that public boards should not continue to have responsibility for the employment and benefits of persons transferred out of the public system to the separate system. There was in the original Bill 30, and still is, the fact that sick leave credits, retirement gratuities and all of those benefits remain the responsibility of the public school board, and the public school board remains the employer of the designated person.

We are talking "designated" in terms that once a position has been declared redundant and is a designated position, there will be, for instance, people who will volunteer to transfer. There will be people who will be transferred automatically, perhaps because of matching qualifications.

We are looking at this in terms of supporting the amendments that have moved responsibility for continuing to be the employer from the public board to the Roman Catholic school board. The Roman Catholic board will have responsibility for the benefits accruing to that teacher for a certain period of time—sick leave credits and that

kind of benefit. That is what we were most concerned about in our original submission.

Mr. Offer: The important point is that the rights and designation accrue to the individual, to the person, as opposed to the—

Ms. Flaherty: We are talking about designating positions, not people. Maybe our brief is not as clear here as it should have been, but we are still talking about the fact that positions should be designated. You can use either a volunteer system to have people transferred, or the seniority ranking system within a board, whatever method the board wants to use.

Our concern was that you first designate a position as redundant and that position is transferred. Then you transfer responsibility for the person who has been declared redundant, and is therefore a designated person. The responsibility for that person's benefits, etc., will go to the Roman Catholic board, and will not remain with the public board, which is no longer the teacher's employer.

That was what we were concerned about. Perhaps our sentence there is not as clear as it could have been.

Mr. Allen: I appreciate the support the Association of Large School Boards in Ontario has given to our amendment, but there is perhaps a slight misuse of language.

In our amendment, we talked not about identifying positions but designating persons. At no point is our intent to designate positions that would transfer as positions, such as a math position or a history position. Rather, one would simply identify the number of positions that were lost. All persons who either voluntarily or through the seniority process were the persons to transfer would then be the persons formally designated, so your concern about designation and all the protections that go with it are proper to our amendment.

It may be that Mr. Reycraft knows something about the regulations that the rest of us do not know that makes him wonder a little bit about the mechanism here. All that happens—as the bill intended in the first instance and as your bill, on the face of it, still seems to indicate—is that “persons” are the first step. You simply identify a group of people who are lost by virtue of the transfer, and they become instantly designated with the protections—presumably on a seniority basis, since the words are not there to tell us otherwise.

Ms. Flaherty: We were using your press release of April 30, Mr. Allen. We did not have the wording of your specific amendments. The

press release suggested that the amendments you were going to propose would in fact designate positions, not persons.

Mr. Allen: Sorry, our language in the proper amendments—

Ms. Flaherty: We both misused the language, I guess.

Mr. Allen: We both did.

The Vice-Chairman: Mr. Reycraft still has the floor.

Mr. Reycraft: First, I do not think there is anything in the amendment we have proposed that we designate persons who are redundant in the first instance. There has to be a mechanism by which you end up doing that.

When I asked the question I intended to add that, and perhaps should have. I have a sense that there is not really a great discrepancy between what you are saying and what the bill currently provides. I think your answer today tends to confirm that rather than the opposite.

I have one quick question regarding the OSSTF proposal about the use of secondments to accommodate the displaced teachers in reference to other staff members. Because of the ALSBO position, I assume if the contract should actually transfer to the other board, you would not support that.

Mrs. Waese: It has not been part of our deliberations. We are looking at your clause-by-clause amendments and did not consider the OSSTF's amendment on secondment. We would have to look at that very carefully because it raises the question of who is responsible for that staff member. Are the boards still responsible? If that job becomes redundant when the teacher moves to the separate school, do we have to find a place for him or keep paying him? It is very difficult. I would have to look at where that takes us in the future and who ends up responsible and liable for the teacher.

Mr. Reycraft: It is not a fair question. I withdraw it.

The Vice-Chairman: If you have some further thoughts on that matter, you could let us know what they are.

Mrs. Waese: We will be very pleased to do that. We will consider it.

Mr. Baetz: On page 6, you refer to “the hiring or promotion of teachers or nonteaching staff” within the public system and say there can be no discrimination. We have made that amendment as well. Would you elaborate on how you envisage this being implemented? In other

words, what about a person who has applied and who has clearly indicated that he does not subscribe to many of the value systems he knows permeate the Roman Catholic secondary system? In your view, what would take place in that situation?

Mrs. Waese: We have many teachers within the public school system with varying values and lifestyles. I understand that the Education Act clearly articulates what their behaviour will be within the school system and the classroom. They are not to communicate their personal values and lifestyles but rather to perform their duties as prescribed. I anticipate that kind of nondiscriminatory selection would continue to apply to every teacher who enters the Catholic system. They would not share their personal values and lifestyle and would have to take a very objective view to their teaching in that milieu. However, I feel they would understand that and respect the system they are working for.

Ms. Flaherty: I would add that the point of designating positions is to allow you to have volunteers. Public boards are sensitive to the fact that there would be some teachers not willing to teach in the separate school system. Boards are sensitive to that and are willing to consider it when people are volunteering for positions that have been designated. Boards have been very careful about their staffing in the past and will continue to be so and make the kinds of accommodations required in those instances.

The Vice-Chairman: Thank you very much for coming to us again.

Next we have the Ontario Separate School Trustees' Association with Mr. Sherlock. It looks as though you are missing one person.

Mr. Sherlock: No. They are all here.

ONTARIO SEPARATE SCHOOL TRUSTEES' ASSOCIATION

The Vice-Chairman: Thank you for attending again. You are aware that we have a vote in the House and want to be able to ask you some questions.

5:30 p.m.

Mr. Sherlock: We are aware, Mr. Chairman, thank you.

Most of the members of this presentation team are new, so I will introduce them. On the far left is Omer Gagné, a trustee from Sarnia. He has been a trustee for the last 10 years and just completed two years as our second vice-president. At our recent annual conference, he

was elected first vice-president of our association.

On my immediate left is Mrs. Betty Mosley-Williams, a trustee in North Bay for the past 15 years. She was just elected as second vice-president of our association. Betty has done a tremendous job of chairing our minority language committee which has been preparing our members to accept the initiatives of Bill 75 in the same spirit our boards have exemplified in implementing Bill 30 to date.

On my immediate right is Tom Reilly, the executive director of the Completion Office of Separate Schools. For the benefit of the new members of the committee, that office is an umbrella organization of associations including teachers, supervisory officers, business officials, bishops and the separate school trustees.

I also want to recognize two key members of our staff. Our executive director is Mr. Nyitrai and our deputy executive director is Earle McCabe who, with the committee, has gone through all 800 plus submissions. Finally, also present today is another member of our executive committee, the chairman of the Metropolitan Separate School Board, Father Carl Matthews.

We would like to read our brief into the record. We are most grateful for the opportunity to reappear before you at this time as you are preparing to consider amendments to the bill.

Since we last met the committee, a number of key events have taken place. The implementation process began with funding for grade 11 in September 1985. Not only was the implementation very smooth, but also the predictions of grave consequences put forward by those opposing Bill 30 did not come to pass. Further, the Ontario Court of Appeal ruled that Bill 30 is not inconsistent with the Constitution or the Charter of Rights and Freedoms.

One passage in this judgement should be especially noted because it touches on the very essence of a separate school system and recognizes the essential difference of Catholic schools from nondenominational schools. We quote from page 26 of the majority judgement:

"Laws and the Constitution, particularly the Charter, are excluded from application to separate schools only to the extent they derogate from such schools as Catholic (or in Quebec-Protestant) institutions. It is this essential Catholic nature which is preserved and protected by section 93 of the Constitution and section 29 of the charter."

This statement talks about the essential nature of the Catholic school and establishes the base

from which we will give our final comments on Bill 30.

To complement this judgement, we urge the committee to recall the words of former Premier William Davis on June 12, 1984. It was this policy statement that laid the foundation for the bill you are studying. The statement was carefully worded and delineated the nature and extent of the adaptations which separate school boards would be asked to make to implement successfully extension with minimal—and we underline “minimal”—effect on the nondenominational educational system as well as the separate school system itself.

From the moment this historic statement was made, we accepted our rightful responsibility not to harm the nondenominational public school system, to grant access to non-Catholic pupils and to protect the jobs of staff displaced in public secondary schools because of the extension of funding for the separate school system. We continue to accept all these conditions voluntarily.

Committee members are aware of the fact that the Catholic system has voluntarily accepted, in the spirit of social justice, the conditions stated in Bill 30 of July 1985. We will continue to honour these conditions, not only because it is the proper thing to do, but also because, since they are limited in nature, they will not significantly diminish the Catholic nature of our school system. We make the point here that if the conditions were not limited in nature, the result eventually would be to create two nearly identical systems, not to extend the separate school system.

As we stated in our July submission to the committee, we are basically in support of these statements and Bill 30 as originally tabled. This position was not taken lightly then. Now, as a result of much discussion, thought and deliberation within the separate school community, we reaffirm our support for them.

Even though we support Bill 30, it does not contain everything we would have wanted but as responsible citizens of Ontario we have made significant compromises in accepting it in its current form. We are very well aware of these compromises.

Since we represent all 53 of the separate school boards in Ontario with English-speaking students, we feel our comments should weigh significantly in your deliberations. Therefore, we are going to address only those aspects of the bill we feel require additional comment rather than re-examining every provision.

Mr. Gagné: Universal access: Our original position of welcoming students of public school supporters into our Catholic secondary schools where space is available still stands. We must submit that the condition of space being available was made for practical and planning reasons. Furthermore, the present reality in most of our separate school systems of severely limited, if not nonexistent, surplus program or desk space argues strongly in favour of the maintenance of the bill as currently written.

Designated teachers and voluntary transfers: We feel that the conditions in the original bill for the transfer of staff are fair and acceptable. The individual rights of teachers and other staff should be protected, and we feel that the relative criterion in our original submission deserves repeating, “that every person affected by the provisions of the bill be treated fairly and justly.” Further, we stand on our original commitment that we will employ in our secondary schools any person who is displaced from the local public secondary schools as a result of completion.

We suggest that the bill be amended to provide for voluntary transfers and that these transfers be agreed upon solely by the person and the receiving board. With this procedure, interboard agreements would not be necessary since teachers would be volunteers or designated according to the regulations. We feel that the protections outlined currently in the bill affecting those on the designated list should apply equally to these volunteers.

Nondiscriminatory hiring: Our association accepts the 10-year time period as stated in the bill. It is by way of exception that this procedure is accepted by the separate school system to ensure that no job is lost within the public secondary schools. The need for our boards ultimately to employ Catholic teaching staff by preference has been clearly supported by the Ontario Court of Appeal judgement, which reaffirmed the necessity of this practice in order to maintain the Catholic nature of our schools.

The committee is aware of other jurisprudence which has upheld the practice that Catholic school systems are able to employ Catholic teachers by preference. This bill redresses an historic grievance. If justice is to be done, our boards must retain the power to employ Catholic teachers by preference throughout our completed system. Indeed, to do otherwise would violate the constitutional rights of separate schools. It is for these reasons that we strongly oppose any

amendment in this area as being destructive of the very nature of the Catholic school system.

Promotional opportunities for designated personnel: We feel the bill of last summer is very fair in dealing with this issue. We consider this as part of the commitment our boards make to the personnel who come over to our system. Having made a commitment to these people, we will pursue a policy of equal opportunity for them.

5:40 p.m.

Mrs. Mosley-Williams: Small single-high school communities: We agree that no action proposed in the provisions for the completion of the separate school system should jeopardize such public high schools. It is in the areas of the province where there is only one high school that the combined creative wisdom of the separate and public school systems and the Ministry of Education can work to ensure the wellbeing of all our children.

We recognize the very sensitive nature of this issue. On the one hand, the option must always be open for a community to provide Catholic secondary education or services for Catholic students. On the other hand, we are committed to not adversely affecting the nondenominational secondary schools. This is the dilemma, but co-operation can solve the problem.

Co-operation is not at all unusual. Many coterminous boards have co-operated successfully for years on a great number of programs and activities. Individual situations can best be resolved by handling them on a case-by-case basis. Since solutions can vary, an amendment in the bill other than one setting out a process to be followed may be inappropriate. A process could be set up leaving the resolution to the boards themselves or, failing such agreement, to the planning and implementation commission or to the Ministry of Education.

Unified school boards: We do not accept the validity or usefulness of the concept of unified, integrated or consolidated boards. The case against the institution of such unified bodies could not be better stated than by quoting from Dr. Joseph W. Fyfe in his dissenting view on the recommendation for integrated school boards contained on pages 24 and 25 of the report of the Commission on the Financing of Elementary and Secondary Education in Ontario, December 1985. Dr. Fyfe points out that, "Before anything radical, potentially controversial and fraught with constitutional implications, as an integrated school board is considered, it would seem much wiser to fully explore and seek solutions in presently operated structures."

He goes on to quote from the Privy Council decision affecting the trustees of the Roman Catholic separate schools of Ottawa: "Their Lordships ruled that in the case of Roman Catholic separate school boards either they retained all their powers and rights or they retained none. The powers and rights were not divisible and were protected under section 93...."

The full text of Dr. Fyfe's dissenting view is attached as appendix A of our brief.

Even though we would as strongly as possible oppose any move to amend Bill 30 to permit the establishment of a board, no matter how named, for the joint governance of education, we see wisdom in co-operation between boards.

We recognize that we do not work in a vacuum. Reality suggests co-operation is not only desirable but necessary, since resources are scarce. We will support voluntary liaison committees that are solely advisory in nature. Obviously, we cannot ever accept anything that would diminish our constitutional rights to govern our own school system.

Exemption from religious education: Our association supports the provisions of the original Bill 30. That bill was referred to the Ontario Court of Appeal which found it to be constitutional.

Religious education courses, on their own, do not distinguish the Catholic nature of the school. Religious education courses form an integral part of the trilogy upon which Catholic education is founded, the other fundamentals being the Catholic teacher and a curriculum suffused by the spirit of the Gospel.

Mr. Sherlock: In concluding our submission, we reaffirm our support for Bill 30 in its present form as passed for second reading last July. We have continued to support the provisions of the original Bill 30 with the conviction that its provisions will go a long way to achieving equity, fairness and justice.

You, the members of the social development committee, have a critical responsibility, and we wish you Godspeed and success in your endeavours. We, like you, are charged with great responsibilities. We must preserve the heritage of our schools, which have been entrusted to our care for the present and future wellbeing of our students.

Before the committee heaves a collective sigh of relief at having received the final final submission, I want to reiterate several points in summary.

The separate school community remains committed to ensuring a smooth implementation of Bill 30. As a result of co-operation of boards with the planning and implementation commission, implementation in September 1985 went extremely well, with only 5,500 students and some 170 teachers affected. We will continue to co-operate fully by hiring designated teachers, providing access to all students and granting exemptions from religion courses for non-Catholic students.

Finally, and most critical, it is imperative in our view that the separate school community maintain its right to select Catholic teachers by preference in all hiring apart from that for designated teachers in the defined 10-year period.

Mr. Allen: I have a quick question. The brief is thoroughly clear as far as I am concerned. I understand and appreciate the argument that was contained in it. As you know, our caucus has come to its own conclusion with regard to the question of hiring practice, not so much with respect to the right but with regard to some things that fundamentally concern many of our members. I do not want to involve ourselves in an exchange around that. I simply thought I should say that, and you know that very well.

What I wanted to ask you about, which is not quite so clear to me, is on page 7. In your discussion of unified boards, you refer to "supporting voluntary liaison committees between boards." I am not quite sure what I hear you saying. Are you prepared to support the mandatory requirement of a committee, but the committee in turn being one which could consider but could not itself impose any proposal on either board? The activity that the committee engaged in would be advisory, but the committee itself, in the first instance, would not be entirely voluntary. Would you have a problem with that in the legislation?

Mr. Sherlock: Thank you for your comments. The feeling of our boards, which was brought out very strongly in the portion of the brief read by Mrs. Mosley-Williams, is that we see the need for co-operation. We have concerns about the constitutional implications of anything that is mandatory on decision-making. As far as voluntary co-operation and advisory boards are concerned, we are very open to looking at provisions for those.

Mr. Allen: That is the only question I had. I would just like to extend to the president of the association our best wishes for a happy incumbency.

Mr. Jackson: My question has to do with the transfer of school facilities. I know, Jim, that you have a reputation for co-operation. Would you comment a bit about the proposal in the minister's amendments with respect to shortening—we assume that it is "shortening" when they say "overriding"—the school closure policy. That is something of importance to us in Halton and to all systems throughout the province.

I should underlie that question with my concern that we may be putting the Catholic community unfairly on the defensive by short-circuiting the process and therefore creating the appearance that we are trying to force closures in a very rapid way. As a former trustee, I am asking that question as well. You are the first group with which we have really been able to explore that as trustees.

Mr. Sherlock: Last Thursday's submission by the Ontario Public School Trustees' Association recommended that school boards be given the discretion to apply or opt out of that provision. It is probably because of the same conditions that apply to us. Across the province, there is a tremendous variety of situations. Our association has not dealt specifically with that amendment. I am quite sure the position taken by OPSTA would be acceptable to our boards. It would be left to the local discretion of the board to opt in or out of that particular amendment, depending on the situation.

5:50 p.m.

Mr. Jackson: My second question may also not have a consensus from your group as yet. It was raised by one of the previous presenters this afternoon with reference to market value for the transfer of those properties. That is something on which we have received a variety of opinions and we wonder if that is something you have dealt with or wish to comment on?

Mr. Sherlock: I really have not had an opportunity to study that submission; I think it would be inappropriate to comment at this time.

Mr. Davis: I notice in your brief that you have commented on religious exercises education. I would like your comment. I noted you support the original Bill 30, the Metropolitan Toronto School Board supports the original Bill 30; and I note the minister indicated—as he was present at the various hearings, and his colleagues—in his report in the paper there was a feeling there should be exemption from religious education for all non-Catholic students going into the Catholic system.

Can I take it from your remarks here, and the remarks that I read just quickly from the Metropolitan Toronto School Board, that certainly is not your impression and that your impression is that the parents of this province who support the separate school system would prefer that youngsters moving into that system should take the religious education course?

Mr. Sherlock: It is rather ironic that over the last period of time, a lot of parties and associations have been like ships passing in the night, changing positions.

The original position of our association, in the presentation last July I believe it was, was that there be an automatic exemption. Our boards are very much concerned that there are going to be delays or further legal obstacles to the implementation or enactment of Bill 30 as legislation. We feel that in the end result there will not be much difference in what actually happens, opt in or opt out. I really do not see our boards resisting any request from a parent to have a child opted out of religious education.

What our boards are telling us now is that they want to see this bill as legislation, the bill that has already been reviewed by the Ontario Court of Appeal and has been found constitutional. I am not sure why everyone else has changed positions, but I think that is one of the reasons our association is going back to the original provision of Bill 30 on an opt-out basis.

Mr. Davis: I do not understand. Explain "on an opt-out basis."

Mr. Sherlock: That a board, on the request of a parent, may—

Mr. Davis: Just as it was in Bill 30 originally?

Mr. Sherlock: Yes.

Mr. Davis: In effect, what you are saying is that as you looked and heard from your constituents, which are the various trustees and their constituents are the parents, the preference within the Catholic community is to have the youngsters take religious education. It is hoped that all of them would take it, but if some would like not to take it, they can make that request and it is up to the local board to make its decision?

Mr. Sherlock: The strongest message we are getting from our boards is that they want to see Bill 30 enacted and the bill that has gone by the courts is the one that we would like to see go forward, with as few major amendments as possible; and that in either case there will not be a great deal of difference in practice.

Mr. Davis: Thank you. That just confirms what we thought: that is that the majority of the

Catholic parents would still like religious education as part of the package.

Mr. Baetz: I notice throughout your presentation you referred to the Catholic teachers and so on, and on page 5 in particular you refer to the fact that the boards must retain the power to employ Catholic teachers by preference. Do you mean Roman Catholic or Catholic? I feel like a theologian here—we have one here on the panel—but it seems to me that Catholic is universal and Roman Catholic refers to one of the Christian denominations. Is that correct?

Mr. Sherlock: Yes.

Mr. Baetz: You are referring to Roman Catholic now. On that subject, how do you see it working out in practice? Let us assume you have a non-Roman Catholic graduate of a teacher's college who applies and indicates in the course of the interview or application that he could subscribe quite nicely to your value system. Would that person still be at a disadvantage in terms of your hiring? In other words, would a Roman Catholic still get preference over a non-Roman Catholic who would say, "I can subscribe entirely to the principles that I know are"—

The Vice-Chairman: You have asked the question. Let us hear what they have to say?

Mr. Sherlock: We have made the point fairly strongly that the legal right to hire Catholic teachers by preference is a bottom line and an essential part of the system.

Mr. Allen: Apropos of the observation made by the Ontario Secondary School Teachers' Federation when they were here regarding the legalities of a compulsory religious education course, do you have a response to that? They appeared to argue that it was not something that could be legally upheld under the Education Act and I wonder whether any of your boards ever had occasion to test that. Is there a court ruling or judgement you could share with us?

Mr. Sherlock: Dr. Allen, we have just had the opportunity to see their brief for the first time. It contains many legal opinions. We would like an opportunity to review it in more detail. When Mr. Johnston was in the chair, he invited that group back to be available during clause by clause to express opinions on some of these matters and we would appreciate a similar opportunity. We would be better prepared to comment in detail then.

The Vice-Chairman: Maybe I should clarify that. The clause-by-clause deliberations of this committee will be done in public and people can

sit and watch them. The invitation to the previous group was to be in the room so people could rush over and confer. I do not want people to think that groups have standing at the proceeding.

Mr. Sherlock: We are just asking for a similar arrangement.

The Vice-Chairman: You are certainly welcome to come and cheer us on in our deliberations.

Mr. Allen: In other words the political process has many layers. If you are around it is easier for some layers to function.

The Vice-Chairman: It is much easier if you are around, yes.

Mr. Allen: If you had some word on that you could convey to us shortly, it would be helpful.

Mr. Sherlock: Thank you very much.

The Vice-Chairman: You can send us a written note which I am sure the chairman will share with members of the committee if you choose to do so.

Seeing no further questions, thank you for coming again to speak to us. We have reached a historic moment, the second great landmark in the deliberations on Bill 30. Thank you very much.

Mr. Sherlock: We are happy to share this moment with you. Thank you.

The Vice-Chairman: Members of the committee, before you go away there are some procedural matters we should deal with quickly. A collection of government amendments is now available for your study. I will ask the clerk to make sure you have those to consider.

I would like to request that members of the steering committee—and for the next task the steering committee might decide to be replaced by the critic for each party—meet with Mr. Johnston some time Thursday morning. He suggests 10:30 or 11 a.m., if that is possible, to discuss the procedures for the clause-by-clause examination. Mr. Reycraft, Mr. Davis and Mr. Allen, is that appropriate and suitable for you—10:30 or 11 o'clock, Thursday morning?

Mr. Davis: What time?

The Vice-Chairman: Whichever you prefer. Is 10:30 a.m. all right?

Mr. Davis: That is fine with me.

Mr. Allen: I would rather have it at 11 a.m. There is a meeting of the standing committee on general government.

The committee adjourned at 6 p.m.

CONTENTS

Monday, May 12, 1986

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-35
Adjournment	S-57

SPEAKERS IN THIS ISSUE

- Allen, R., (Hamilton West NDP)
- Baetz, R. C. (Ottawa West PC)
- Davis, W. C. (Scarborough Centre PC)
- Jackson, C. (Burlington South PC)
- Johnston, R. F., Chairman (Scarborough West NDP)
- Offer, S. (Mississauga North L)
- Reville, D., Vice-Chairman (Riverdale NDP)
- Reycraft, D. R. (Middlesex L)

From the Ontario Secondary School Teachers' Federation:

- Albert, R., President
- Baumann, R., Vice-President
- Head, J., Vice-President
- Eaton, D., Executive Assistant

From l'Association des enseignantes et des enseignants franco-ontariens:

- Bourdeau, A. G., président
- Schryburt, J., secrétaire général et trésorier

From the Association of Large School Boards in Ontario:

- Waese, M., President
- Flaherty, L., Executive Director
- Sale, J., Government Relations Officer

From the Ministry of Education:

- Conway, Hon. S. G., Minister of Education (Renfrew North L)

From the Ontario Separate School Trustees' Association:

- Sherlock, J. V., President
- Gagné, O., First Vice-President
- Mosley-Williams, B., Second Vice-President



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No. S-3

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act



Second Session, 33rd Parliament
Thursday, May 15, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, May 15, 1986

The committee met at 3:46 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the meeting to order. The committee today is beginning clause-by-clause consideration of Bill 30, An Act to amend the Education Act.

Mr. Nigro has pulled together for us a compendium of proposed amendments by the three parties. I want to give him special thanks for this because it is always difficult to pull these things together and his note to me indicates he did not receive the amendments of the official opposition until after noon today, but he still managed to put this together. This will help us a great deal.

Mr. Davis: We apologize.

Mr. Chairman: In terms of methodology, I propose to use the original bill and indicate the sections as we reach them, as they are in the bill. If you use Mr. Nigro's document as your prime document in keeping up with things, you will be able to see where we are with the various amendments that are being proposed.

The amendments must be presented in the form I am showing to you and read into the record. The ordering of business is as follows: If there is a government amendment to the original bill, it will be read into the record first, presumably by the parliamentary assistant or by one of the other members of the Liberal caucus. If there is a subamendment to it, I will take first the official opposition's amendment and then the New Democratic Party's amendment. The voting would proceed on the subsubamendment, the subamendment and the amendment, and then the original section as amended. That is the method we will use.

We had a steering committee meeting this morning and decided that given the complexity of the positions and given that some of the amendments from the opposition parties are very long, there is no point in taking any other approach to the bill than to proceed from the beginning and work our way through it methodically. Most of the members now here have gone

through clause-by-clause, so I do not think there is a need to do more in ordering the business. Are there any comments?

Mr. Reycraft: Before we get to the bill, I will table draft regulations regarding the designation of teachers. There are copies for all members.

Mr. Chairman: We appreciate that. I am sure it will make the committee members happy. "Happy" may not be the right word. It will make them informed; that is what it will do.

Mr. Davis: I have a question for clarification. We do not have to deal with this at the moment, but I hope the minister will give us some direction as we go through the amendments. It has caused us some concern and we are prepared to make amendments, if required.

We would like some information from the minister with respect to such things as continuing education, summer school and adult education. Adults receive grants and so on to go to many of the public and secondary schools for upgrading, to take typing or whatever. I will put it simply now and try to expound on it later. Does this mean that the separate boards will pay the public boards for the people who are enrolled in these programs once the assessment base has been transferred and once Bill 30 is in place?

A person registered in continuing education and taking a general interest course or an upgrading course belongs to the separate school board. Will it entail bookwork so that a public board has to designate whether the person is separate and then bill the separate school for payment of those concerns?

For summer schools, we have been informed that some have started already. There is a large enrolment of separate school students in the summer schools. Will the separate boards have to pay for that service for the adult who decides to continue his education? It does not have to happen now. I would like some clarification of this before we get in too deeply. We would like to address this very serious problem.

Mr. Chairman: It is not in the act I have before me and I have not noticed it in any of the amendments, although I must admit I have not had a chance to read all of yours. It may be addressed in regulation.

Mr. Davis: It was raised on several occasions, as you will remember. We never addressed it.

Mr. Chairman: The minister will take that under advisement. As we get into the body of the bill, we will deal with that. If the members see we are coming to an appropriate time for that with whatever amendment or subsection we are at, please catch my eye and we will come to it.

Mr. Davis: I appreciate that.

Mr. Chairman: The minister and his staff are here to assist us with interpretation and questioning as we go through this.

Mr. Davis: It may be solved by regulation, but this was brought to our attention lately after we had put our amendments together. We would like some resolution of that. If not, we will have to deal with it.

Mr. Chairman: Are there any further matters? If not, I will read each section that exists in the act so we are clear what we are dealing with. If there are amendments, please catch my eye and we will take them in the order I mentioned.

On the preamble:

Mr. Chairman: We will start with the preamble, as agreed by the steering committee this morning. The preamble to Bill 30, An Act to amend the Education Act, reads as follows:

"Whereas section 93 of the Constitution Act, 1867 embodies one of the essential conditions which facilitated the creation of a united Canada in 1867 by guaranteeing to Roman Catholics in Ontario certain rights and privileges with respect to denominational schools; and whereas the Roman Catholic separate schools have become a significant part of the school system in Ontario; and whereas it has been public policy in Ontario since 1899 to provide for public funds to support education in the Roman Catholic separate schools to the end of grade 10; and whereas it is recognized that today a basic education requires a secondary as well as an elementary education; and whereas it is just and proper and in accordance with the spirit of the guarantees given in 1867 to bring the provisions of the law respecting Roman Catholic separate schools into harmony with the provisions of the law respecting public elementary and secondary schools, by providing legislative recognition of and funding for secondary education by Roman Catholic separate schools; and whereas the foregoing facts were affirmed by the Premier of Ontario in his statement to the Legislative Assembly on the 12th day of June, 1984;

"Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the province of Ontario, enacts as follows:"

In Mr. Nigro's document, I have notice of an intent of an amendment to the preamble.

Mr. Davis moves that the preamble of the bill be struck out and the following substituted therefor:

"Whereas section 93 of the Constitution Act, 1867 embodies one of the essential conditions which facilitated the creation of a united Canada in 1867 by guaranteeing to Roman Catholics in Ontario certain rights and privileges with respect to denominational schools; and whereas it is just and proper to bring the provisions of the law respecting Roman Catholic separate schools into harmony with the provisions of the law respecting public elementary and secondary schools by providing legislative recognition of and funding for secondary education by Roman Catholic separate schools;

"Therefore, Her Majesty, by and with the consent of the Legislative Assembly of the province of Ontario, enacts as follows:"

Mr. Davis: As we went through the hearings, one of the issues that constantly came forward was that in this province there are two systems, one separate and one public, that they are equal, that one is not superior to the other and that both should be equitably funded. As we read the preamble, we felt it was not important that it contain the clauses we eliminated, that they did nothing to add to the fact that the purpose of this bill is to fund secondary education in the separate school panel and to treat it in respect to the guarantees given in 1867. On that basis, we felt it was not important or relevant to the preamble.

Mr. Allen: My only comment with respect to the deletion of that central portion of the original preamble is that it is a significant part of the original preamble. I believe it was part and parcel of the discussion that was delivered to us by the Supreme Court of Ontario in the appeal reference that was made. Those elements, as to whether the separate school system had been and would continue to be a significant part of the school system of Ontario and what the public policy of Ontario had been during the intervening years, were obviously an important part of a judicial document that dealt with the way in which that system had (a) been initiated, (b) been given constitutional legitimacy and (c) had grown in the intervening years. Therefore, a judgement had to be made with respect to it at the present time.

If I can refer to the Divisional Court ruling on the legitimacy of the ministry funding that was provided in the course of the year for the extension to grade 11, there was a great deal of

discussion in that document of the question as to what portions of the separate school system had been funded and in what periods of time. That court likewise felt it was a very important part of the decision it was being asked to make.

Given those two facts, I would be very loath to remove, and in fact would vote against removing, that part of the preamble. I think it is a significant part of the story. To take it out is to ask some questions as to whether the facts in it or the principles that lie behind that part of the bill, or the intentions of the Ontario community in the intervening years, were somehow suspect. Inasmuch as I would not want to convey those implications, especially since it was part of the original preamble, I would not want to imply anything invidious in the course of voting for its disappearance. For those reasons, I will support the original preamble and vote against the substituted version.

Mr. Reycraft: In looking at the amendment, my interpretation of it is that it removes four specific clauses from the preamble in the bill. I want to make sure I have that properly interpreted. The four clauses are (1) "and whereas the Roman Catholic separate schools have become a significant part of the school system in Ontario;" (2) "and whereas it has been public policy in Ontario since 1899 to provide for public funds to support education in the Roman Catholic separate schools to the end of Grade 10;" (3) "and whereas it is recognized that today a basic education requires a secondary as well as an elementary education; and (4), farther down in the preamble, "and whereas the foregoing facts were affirmed by the Premier of Ontario in his statement to the Legislative Assembly on the 12th day of June, 1984." Have I missed anything in the amendment? Is that what it does? Does it remove those four clauses?

Mr. Chairman: Yes, those are the things that are lifted out.

Mr. Davis: Yes, they are the ones.

4 p.m.

Mr. Reycraft: It seems to me that all four are statements of fact. I am sure that Mr. Davis would not want to say any of them was not factual. They clearly indicate the intent of the Legislative Assembly when it voted in favour of the bill on second reading, with one exception unanimously so. I also point out that this preamble was supported by the Court of Appeal in the province. Therefore, we are also opposed to deleting those four clauses.

Mr. Chairman: Is there any further comment? I see none and we will vote on the amendment by Mr. Davis.

All those in favour of Mr. Davis's amendment will please indicate.

All those opposed will please indicate.

It is defeated six to three.

Motion negatived.

Mr. Chairman: Is there any further debate on the preamble as it originally existed?

Preamble agreed to.

On section 1:

Mr. Chairman: The section reads, "1. Subsection 1(1) of the Education Act, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 47, section 17, 1982, chapter 20, section 2, 1982, chapter 32, section 1 and 1984, chapter 60, section 1, is further amended by adding thereto the following paragraphs."

These are definitions.

"35a. 'planning and implementation commission' means the planning and implementation commission continued under section 136r."

Is there any change in that as a result of government amendment? The numbering stays the same as far as we know at this point. It is understood we will clean up numbering as required if further amendments are brought forward.

Perhaps I should do these individually. It might be just as easy to take this initial introduction of the act, the portions of the Education Act that we now are adjusting, and this first definition together. Is there any discussion? All those in favour, please indicate. Carried.

"42a. 'public board' means a board of education or a secondary school board established under section 69."

Is there any discussion? All those in favour of the definition, please indicate. Opposed? Carried.

"46a. 'Roman Catholic school board' means a separate school board that has made an election under section 136a or 136f that has been approved by the minister."

Is there any discussion? All those in favour of the definition, please indicate. Carried.

"59a. 'separate school board' means a board that operates a separate school for Roman Catholics."

Is there any discussion? All those in favour? Carried.

Are there more definitions?

Mr. Davis: There are no more definitions, but I would like to raise a question and I would like your response to it. Since last June, we have gone throughout the province and we have continually asked for a definition of "the best interests of public education" in Ontario, which is still contained in the act. The minister indicated that we would have that definition. Is he prepared at this point to provide us with the definition of "the best interests of public education," so that it can be incorporated there rather than being some nebulous phrase that floats out and nobody really knows what it means?

Mr. Chairman: From the chair, I will only note that I do not have a definition from the government or either of the opposition parties at this point.

Hon. Mr. Conway: Perhaps I can help the discussion by providing in a very short moment a series of written comments that might alleviate the concern. There are a number of considerations. I was working on something else here. If I can take a moment or two and take the question as notice, I will come back to it very shortly.

Mr. Chairman: Rather than closing off this section, I will leave it open at the moment in case you would like to have a definition, and I will proceed.

Mr. Davis: That will be fine.

Mr. Chairman: Agreed?

Mr. Davis: Does that mean the government will bring that kind of definition to us?

Mr. Chairman: I am not clear on that. All I know is that you are going to get some word on it in a few minutes. We will not close off the section at this point. If it comes, then it will be possible to bring it in without having a motion to reconsider the section.

On section 2:

"2. The said act is amended by adding thereto the following sections:"

Under secondary school education:

"136a(1) A separate school board may elect to perform the duties of a secondary school board for the area of jurisdiction of the board."

This is where I see an official opposition amendment. Would you like to move it, Mr. Davis?

Mr. Davis: I got lost; just give me a second. Thank you.

Mr. Chairman: Mr. Davis moves that subsection 136a(1) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(1) A separate school board may elect to perform the duties of a secondary school board for the area of jurisdiction of the board except in communities where there is a single public secondary school with an enrolment of 500 or less."

Would you like to speak to your motion?

Mr. Davis: If we comment on this, it is only fair that we comment on subsections 136a(2) and (3) which incorporate the whole concept behind that. If we can do that, it would be fine.

The Progressive Conservative Party has been extremely concerned from the very beginning about the single-school communities in this province. It is apparent that one of the issues we must always bear in mind as we discuss this is the wellbeing of students and the quality of education that is delivered. Single-school communities across this province should not be threatened or placed in positions where they continually live in fear of what is going to happen to their school, when that school has become the community centre.

As we went around the province, we found the position of the other parties to be that there will be local solutions for local problems.

As we looked at it, we took an arbitrary figure. People will wonder where we got the number 500. We took a number of data to arrive at 500. We consulted with members of the educational sector and with some principals. We looked at the figures that are used to denote declining enrolment situations, such as where a public board kicks in its review of a school closure policy. We felt that 500 was the number of students that provided a fairly adequate and quality type of education, understanding always that there are school boards across this province with fewer than 500 students which still provide good education.

We had a concern that if you provided the opportunity for a coterminous separate board to develop a secondary school in a community where there are several hundred students fewer than 500, you could have one school with a small number of students enrolled attempting to provide that type of program. As we looked at this, we felt that in those particular school jurisdictions, and in fact some of them have determined not to enact this, we should incorporate in the legislation that if it is a school of 500 students or fewer, the separate board should not be allowed to develop the coterminous board. The primary purpose is for the quality of education.

4:10 p.m.

In doing so, we also recognized that in the fairness and justice with which we attempted to deal with this bill, there should be some reservations for the Catholic community in those jurisdictions, and so the amendments follow on. I will not read them in because I know they will be read in later.

Just to help the discussion, again it was a consultative process, that the public board, in consultation with the separate board, provide a teacher or teachers, depending on what is required, to provide for those Catholic students in those jurisdictional programs in health, family studies, guidance and religious education and provide opportunities for liturgical services for the separate school students.

That is the 500. We will not go to the other one because it is another one all together. That is some of the rationale we felt was imperative. There were a number within the separate school community who said that sounded fair and just to them. It recognizes the very serious concern, that although we indicate that the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario, in consultation with the minister, may decide not to enact a coterminous separate secondary panel, indeed they could or the petitions could be strong enough that they would.

The intention all along was that we should not threaten or destroy either the public or separate system. We believe that this particular amendment, specific as it may be, deals very straightforwardly and head-on with those particular communities, of which there are 63 across this province. Our other recommendation allows that community to stay a viable whole and provide quality education for the students in that system. That is why we have made that recommendation.

Mr. Allen: Taking the specific amendment and the references that the Conservative critic has made to the subsequent passage, and bearing in mind also what follows later in his third amendment, which ends, "that the secondary school education provided by the public board of education will continue to meet community expectations for its programs," strikes the note of community expectations.

Certainly, as this committee travelled across the province, we heard a great deal about what communities expected of their schools. We certainly heard a good deal, as he has related to us, about the single-secondary school communities and the problems that exist for them in a great

many ways. However, as I recall the explanation of community expectations from various quarters, and the many briefs that were made, I personally found it very difficult, and certainly representatives of my party who sat with me found it very difficult, to distil a single criterion that applied to all of these various circumstances and situations.

We certainly heard the number 500 from time to time; but we also heard numbers ranging from 300 to 900 in terms of viability. We have been very loath to pin down a specific number that would indicate viability of a public secondary school in a single-school community. We have therefore taken another alternative and will be moving an amendment to subsection 136v(2) of the act which will quite clearly state the criterion for the viability of a secondary school program in a single-secondary school community where they are offered by the public board as being very essential in that circumstance. An almost overriding criterion has to be applied in the negotiations that take place around the establishment, the permission that is given by the planning and implementation commission, and by the minister, to offer a secondary school program by the separate board in that community.

We have resolved this issue rather differently. We think it should be left to the process of negotiation and to the play of those community expectations, to which the Conservative critic refers in the third amendment down the road, to have their force in this whole process rather than to try to advance and define for every community exactly what the numbers ought to be in terms of local viability in those circumstances.

Mr. Reyecraft: I am glad to hear the members opposite continue to share the concern that we have expressed on a number of occasions for single-school communities and the public secondary system in general. That concern has been expressed by the minister on a number of occasions, most recently when he addressed this committee last week. He again reiterated the statement that no single-school community in Ontario would lose its public high school because of the completion of the separate high school system. Indeed, the protection of the viability of the public secondary system was the first principle on which this policy on Bill 30 was based.

As Dr. Allen has pointed out, there is a process in place now, through the planning and implementation commission, to provide protection for those kinds of areas. Under the bill, together with the amendments that we are proposing, that

protection is first in the hands of the planning and implementation commission but ultimately in the hands of the minister.

I am not satisfied either that the amendment that is put forward by Mr. Davis would adequately address the situation. There is no definition of "community". I think of this amendment and its application to a situation in southwestern Middlesex in which I reside. The situation there is one with which Mr. Davis and some other members of the committee are familiar as a result of the hearings last summer. In the village of Glencoe, there is a secondary school with a student population of about 430. In Strathroy, 20 miles away, is a much larger secondary school. Between the two are a number of smaller communities in which, it would seem to me, interpretation of the legislation would permit a new separate secondary school to be established which could be as damaging to the public secondary school in Glencoe as to establish one right in that village.

I am not sure what is intended by "community" and perhaps Mr. Davis would elaborate on that for me to better address the situation. I think for those two reasons, because the existing system provides for protection for those schools and because I do not think the rigid amendment put forward is going to adequately address the situation, we would oppose the amendment. But we are prepared to listen to a further explanation from Mr. Davis.

Mr. Chairman: We will start with Mr. Jackson.

Mr. Jackson: It appears that all three representative political parties here agree that we are going to attempt to protect single-school communities. If history is consistent, somehow we are going to make sure that none of them is going to be protected. That has been the track record in the previous two bills. I would like to pursue, if I might, Dr. Allen's reference. I think his words were "adequately covers by definition." Dr. Allen, was it subsection 136v(2) on page 26?

Mr. Allen: Yes, that is the clause to be amended.

Mr. Jackson: That is your reference. So as I flip through and locate that, I understand it to suggest here that the criteria which the planning and implementation commission would set down for those coterminous boards "must permit the Roman Catholic separate school board to provide secondary school education" and "must promote the best interests of public education in Ontario." So that definition of best interest of public education comes up again.

4:20 p.m.

The funny one, or the one I am having difficulty with, is: "must ensure the viability of the secondary school program offered by the public board in single-school communities." If the New Democratic Party is asking us to abandon the number, I am asking it, in return, if it wants to solicit our support, how we are going to protect program viability? Will that end up becoming a number? What assurances do we have that those single-school communities will be protected if we do not tie it to a number?

I accept your problem. We have struggled with the number, but we felt the only responsible way was to create a number. Therefore, there was at least a recognition that program viability has something to do with total numbers of students. I am asking for an expansion of that.

I would also like to put into the record, if we could, that we call upon the New Democratic Party to present a definition for "viability of secondary school program" since it is one of its amendments and since I believe we need a definition of what constitutes a viable program. That is a two-part question.

Mr. Reycraft: On a point of order, Mr. Chairman: I do not believe Mr. Jackson is addressing the amendment nor even that section of the bill. I recognize the relationship and his desire to find out where the compromise lies, but I am not sure whether addressing an amendment to section 136b—

Mr. Jackson: I qualified my statement.

Mr. Chairman: I am allowing a little bit of leeway here, because we are talking in terms of the protection of the single school, and the Conservative amendment begs inclusion of other amendments following, which have to be spoken to. That seems appropriate, and now we are hearing from other members, both yourself and Mr. Allen, who have other alternatives. It is all right to include those in the debate within the topic which is at hand in the amendment that is proposed by Mr. Davis. I will allow it to continue.

I remind Mr. Jackson that the use of definitions, as we learned a great deal on the pharmacy bills, is only where a term comes up a large number of times or seems to be crucial. Your argument may be true, but that word has not come up as I have seen it yet in the legislation, that is all. If you pass that and refer to viability on several occasions, you may wish a definition. If it is on only one occasion, the usual method is not to have a definition.

Mr. Jackson: If I can just qualify, my interest here is sincere by virtue of the fact that perhaps a definition might say that a viable program in Ontario means any school that operates with 500 or more students. That is the point I am getting at.

Mr. Chairman: I understand your point.

Mr. Jackson: I could abandon my amendment if I had the same confidence factor that Mr. Allen seems to have with his amendment. It matters little whose amendment gets approved; it matters that the single-secondary school communities be protected as a function of this bill. If we are not going to have a definition, I could not support the New Democratic Party amendment because it is meaningless. I would like to see that tightened, toughened and clearer.

Mr. Chairman: All I am trying to say is that your options are not just to have a definition; it could also be to amend the amendment, if it came to that.

Mr. Jackson: That is true as well.

Mr. Chairman: Dr. Allen, I do not have you on the list. Do you wish to respond to Mr. Jackson's inquiries?

Mr. Allen: The issue of presenting a definition to allow Mr. Jackson to support our amendment will come at a later time in terms of detail. The question now is whether the definition of 500 is adequate and whether it has been supported, in our view, by the testimony we have heard. I would simply have to say that it has not been supported by the testimony we have heard. We have heard many definitions of viability. We even had one document which gave us about 28 characteristics that had to be taken into account to define viability. We certainly heard in different communities different senses of what they thought the viability of their institutions constituted.

My own confidence lies in the maturity of the representatives of both boards and the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario in dealing with this situation on a local basis. We heard frequently from separate school boards which told us they could not conceive of themselves in the near future proposing to offer a separate secondary program simply because they themselves recognized they would then end up with two unviable programs in their communities. My confidence is in the way in which this can be worked out in the field, given community expectations and the maturity of all parties concerned.

Mr. Chairman: Are there other comments on Mr. Davis's amendment?

Mr. Davis: It is very interesting that my colleague the NDP Education critic likes to play with words such as "viability" and "the best interest of public education" and refuses to define them. He would know that when you talk about the closing in a school system of a particular school, which has an enrolment below 120 in an elementary panel, for example, and the local school board has decided that at 130 or 140 there is a trigger figure to be looked at for the review of it, every parent who comes before you will tell you it is a viable school system. I guarantee that if there were 20 or 30 students in some of those schools, the parents would tell you they had a viable education system.

The word "viability" can have all kinds of meanings, as my colleague pointed out, but it does not ensure that those single-school communities will be protected. As much as the minister would like to stand and make the statement that no single-school community will lose its school because of declining enrolments, he does not say that this does not preclude the fact that another school may be created in that jurisdiction. He does not indicate that it does not mean that if there is a public elementary school, it may be moved, especially if there are two in the jurisdiction of that community.

All he says is that they will not lose the high school, they will not lose the building; but he did not say that this building will exist as a public school. It could be, as we found in Harrow, that a number of the students there who are non-Catholic will be asked to move to Kingsville and the Kingsville students will be bused back into Harrow to have the two systems—unless I misunderstood him and he meant that the building would remain a public secondary school building and there would not be the transfer of students from one jurisdiction into another. If that is what he meant, I will stand corrected and accept that, but he did not say that. When you play with words, you create all kinds of problems.

I think the amendments we put forth are valid. I point out that the majority of educators who came before us talked about 500 as viable. Nobody wants to define viability with numbers, but nobody has defined it in any other terms. Even the New Democratic Party, who move it, say it must promote the best interests of public education in Ontario. I can assure you that delegation after delegation that came before this committee asked for a definition of "the best

interests of public education in Ontario.” Both the government and the members of the third party still use a term they have yet to define for us.

They say they are going to leave it in the hands of the educators and the planning and implementation committee. We can show them, and they are well aware of, the areas across this province where there was great consternation, difficulty and division when it was announced that the local separate board was going to implement a secondary panel.

Various public boards came before us from those single-school communities with great fear that their system, their buildings and even their communities were threatened. Our amendment addresses in a very specific way the communities across this province where there is a single high school in which there are 500 students or less.

It is interesting that my colleague the Education critic for the NDP said a number of the boards in those small communities indicated they would not establish a separate secondary panel because of the viability, but they did not say they would not do it forever. As I recall, in many of those statements they said, “At the present moment we have no intention of establishing a coterminous secondary education system.” They did not say they would not do it next year, the year after or four years down the road.

Our amendment says to those communities, “We believe it is important in this province for that building and education system to exist in your community and that it in no way be threatened and that the students receive quality education.” That is what our amendment does far better and more effectively than either the government’s suggestion in what I call the ghostly terms that nobody wants to flesh out that we leave it to the local situation, or what my NDP colleague suggests in these other criteria they want to move, which again incorporate those two kinds of ghostly phrases. That sounds very nice out in the public, but it does not specifically deal with the great, deep concerns those people have in those communities. That is why we have moved that it deals with 500.

4:30 p.m.

The other important thing this amendment does is that it also recognizes that there are members of the separate school system in those communities. They should have certain rights protected, and those rights are spelled out in that other section, which says the public board has a responsibility to ensure that those students who wish to do so have an opportunity to receive

instruction at the hands of a mutually agreed upon teacher in those areas that the Catholic community has indicated to us are important in their lives and in their education. There should also be the opportunity provided in those areas for the liturgical expression of that community. That is fair and just.

Anything less than the type of amendment we have placed before this committee, in which you couch this type of protection in these wishy-washy terms, is an abdication of our responsibility to those single-school communities across this province.

Mr. Chairman: Mr. Davis, your points are fairly clear. Do you wish more debate?

Mr. Reycraft: I agree that we have a responsibility to those single-school communities. We also have a responsibility to the people in them and to the locally elected boards of education to allow them to work out for themselves the best educational programs and the best educational situations they can for the young people they are elected to serve. I do not think, and I am not convinced, that a made-in-Toronto solution with rigid guidelines and numbers of 500 or 900 or whatever is the way to address that responsibility.

I might point out what I see as another shortcoming of Mr. Davis’s amendment. In his experience with the board of education in Scarborough, I am sure he did not plan on the basis of the current enrolment in any particular school or in any particular program. One has to look at projections well beyond the current situation. The number 500 has a much different meaning in a municipality or an area where enrolment is following a pattern of decline than it does in one where the enrolment is increasing. Again, it points out the difficulty in trying to impose a very rigid guideline on the whole province in responding to local situations.

Mr. Jackson: My question is to the Minister of Education (Mr. Conway). When Mr. Reycraft advised us of the government’s amendments, he spoke with assurance that his amendments would resolve to his satisfaction this issue of protecting single-school communities. Perhaps I could invite the minister, first, to identify the clause before us that does this, and second, to explain briefly to me how the process would work to enable those schools to be ensured that they will not be closed or forced to subdivide, etc.

Mr. Reycraft: Mr. Chairman, on a point of order: I believe I spoke of the bill together with the amendments, and not just the amendments, as responding to the concern.

Mr. Chairman: I am sure you did.

Hon. Mr. Conway: Very briefly, this gives me an opportunity to speak to the question about the best interests of education that was originally put by the member for Scarborough Centre (Mr. Davis). It ties into the whole viability question.

Let me just repeat clearly and succinctly that a number of factors relate to these issues. The debate that has just taken place indicates the very considerable difficulty in defining very precisely the terms that are being bandied about.

My friend the member for Middlesex (Mr. Reycraft) talks about his situation in southwest Middlesex and what type of community the member for Scarborough Centre has in mind. When we talk about the best interests of education or about viability, there are some obvious matters at hand, not the least of which is program. The requirements are clearly there such that we expect in both the public and separate secondary panels that a student will be able to achieve the secondary school graduation diploma.

The member laughs, but as a former trustee, he knows perfectly well that it is a perfectly understandable benchmark by which to make some of these determinations.

Mr. Jackson: We would hope that all students in the province would get their secondary graduation diploma. That is why I snickered. Especially coming from the Minister of Education, as if this was some new revelation he was bringing to the committee. I found that somewhat humorous.

Hon. Mr. Conway: Let me repeat. You want to know what the determinants of viability and the best interests of education will be. There are a number of factors, not the least of which is program—not just its breadth but its range and its depth. We have requirements at the secondary school level now for three levels of difficulty.

We expect—and this has been made very clear by the planning and implementation commission—proposals for separate school extension to be carefully assessed from the point of view of their ability to ensure that program requirement is met. That also takes into account and raises the issue of identity, both in physical terms—accommodation—and those aspects of a high school program offering that are not necessarily related to physical plant but have something to do with the spirit of the school.

On community expectations, I listened to the discussion about the number 500. There is a very considerable number of communities in this province that would be very concerned to hear

numbers such as 500 being bandied about here. Perhaps Mr. Clifford can help me, but there is a very considerable number of communities in this province that have public high schools with substantially fewer than 500 students. Community expectation has something to do with it.

Distance has something to do with it. For example, we have a school in Kent county, Ecole secondaire Paincourt. I think there are fewer than 100 students in that secondary high school. There is a variety of very special factors related to that, not the least of which is the desire of the Franco-Ontarian community in Kent county to have a secondary school program.

A student population of 80—I think it is 75 or 80 at last count; I may be wrong in that calculation—raises some very obvious questions, but the francophone community in Kent county has, with a lot of support from the local board of education and from the Ministry of Education, made that school an important and viable part of the secondary program in that part of southwestern Ontario.

Community expectations with respect to resources also have something to do with it. In many parts of Ontario, as the member for Middlesex indicated, there are small high schools not very far away from much larger high schools. I can think of schools in my part of the province where there are fewer than 300 students in a high school with two entities and there is an opportunity to have a fuller range of programs not very many miles away, but the community has said, “No, we think it is very important for this community to have a secondary school.” In at least one case I can think of there are two entities. I do not know what happens to that in the light of some of these criteria, because of the very rigidities to which the member for Middlesex pointed.

In looking at the issue of viability and the best interests of education, as has been made clear on repeated occasions by me, by the members of the planning and implementation commission and by others, we are going to take into account all these factors: programs, facilities, community expectations and community and provincial resources. Those will be applied fairly, taking into account the regional realities of this province.

Mr. Jackson: Mr. Chairman, I rather do wish you had been the Speaker. You might have cut off that question period response somewhat earlier.

Mr. Chairman: You know I do not do that. I do think we are beginning to understand fairly clearly the different perspectives here in terms of

what is required, one being for a benchmark and the other being the desire for wider parameters and other kinds of decision-making mechanisms for it. We can clarify that a bit more if necessary. 4:40 p.m.

Mr. Jackson: My specific question to the minister was, would he please direct me to his amendments that achieve the very point we are raising? If we are not going to take a benchmark, then where in this bill do single-school communities, public secondary schools, have the protection that was referred to by your parliamentary assistant?

Dr. Allen has clearly indicated to me the section and given me the rationale. I am merely asking what is the section and how does the process work in your mind, as the minister, so that the Harrow community, the single schools in Mr. Reycraft's riding and so on will be protected?

Hon. Mr. Conway: It is very clear how the process works. It has been clear for a considerable time. We have adjusted a number of these to take into account some of the additional concerns during the last seven or eight months of public consultation.

We are setting before the Legislature a Bill 30 that sets out the approval process. Separate school boards must make an election to offer a secondary program. It has been made very clear to them by the planning and implementation commission, for example, as was indicated here some months ago—I think in September—that the second-year criteria relating to a lot of the issues I have indicated are going to be the determinants on the basis of which approval, not only by the planning and implementation commission but also by the minister, is going to be made. That is the way I see the process working. I do not see that is going to be a particular difficulty.

The members of the official opposition have said, and upon reflection I think quite rightly, that in the final analysis the responsible minister of the crown will bear the burden of responsibility. I will be judged by how well I perform this responsibility. I see the process working fairly clearly and rather effectively. These will be the criteria.

Mr. Jackson: Therefore, there is no specific protection for single-school communities in the bill. It is merely that the planning and implementation commission and the minister will be sensitive to how much money is in a local region when you talk about the resources, the numbers of students and how broad the program offering is going to be. There is no specific protection for

a single-school community, only your assurance that the PIC will be sensitive to those concerns.

Hon. Mr. Conway: There is a very clear protection when I say that no single-school community is going to lose its public high school as a result of separate school extension. That is a matter of pure policy.

Mr. Jackson: Why can we not put it in the bill?

Hon. Mr. Conway: We are going to be looking very carefully at plans to ensure that individual communities take into account a variety of options that are going to be afforded. The member for Burlington South (Mr. Jackson), like me, has travelled across the province and heard a whole series of single-school communities indicate how they are going to seek to achieve extension. In some cases it is going to be very modest.

Mr. Jackson: I look forward to amending the New Democratic Party motion on page 26 with the minister's suggestion. I am sure Mr. Allen will accept that as a friendly amendment from the Liberal Party to ensure that the bill has that statement in it.

Mr. Chairman: I cannot guarantee how friendly it will be, but we are not there yet.

Mr. Jackson: Mr. Allen is always friendly.

Mr. Chairman: It is definitely your right to make the motion any time you want when we get to that section. Is there further discussion?

Mr. Davis: Can I ask for a point of clarification from the minister? Then I would like to say some more words. When he says that no single-school community shall lose its public secondary school, does the minister mean that that secondary school will always remain a public secondary school offering public secondary education?

Hon. Mr. Conway: Yes.

Mr. Chairman: And your comment?

Mr. Davis: Would the minister say that in a school of 100, in his understanding of what he is calling "viable" and "in the public interest"—I find it interesting that as the debate raged on across this province all summer and into the late fall, the great concern expressed about the words "viable" and "viable secondary education program" that the minister used, and "the best interest of public education" in the latest guidelines issued by PIC, have suddenly changed to an even more nebulous kind of phraseology, that no secondary separate school board shall be able to establish a coterminous board unless it

can prove it can establish a viable secondary panel, whatever "viable" means again, and that the public education secondary system should not be threatened but should meet community expectations, whatever that means.

I would like the minister to comment on this as the minister. Would you say that, in your understanding, if there were a school jurisdiction of 100 students—and I can name them if you like because they are now in front of me—you would allow a separate school board to establish a coterminous board in that single-school community with only 100 students?

Hon. Mr. Conway: I guess there is a difference of opinion that is more fundamental than I had perhaps initially imagined. I have a great deal of confidence in the good sense of the people of Ontario in their community settings to determine what will be in the best interests of their sons and daughters in so far as elementary and secondary education is concerned. I do not share the honourable member's rather negative view of the Ontario capacity to cope with these community situations. I am disappointed that he takes this rather pessimistic outlook.

We have a framework to cope with this. We have some very wise people on the planning and implementation commission, eight wise people appointed by my very distinguished predecessor three times removed; eight individuals in whom I have great confidence, eight individuals who have offered exemplary good judgement during the past 15 months or 18 months. They are going to make recommendations, working with local school boards and communities. I or my successor at the Ministry of Education will receive those opinions and pass final judgement on them.

I am not going to deal with an endless array of hypotheticals that the member might generate, except to say that in single-school environments I fully expect that the resolution of these issues is going to take into account a great deal of co-operation and sharing, as I have said on many previous occasions. In some cases the sharing may be more significant than it is in others.

Mr. Davis: First, I have great trust in the public of this province; I do not have a lot of trust in the politicians. As members at this table know, we introduce the bill and the bureaucratic messengers take it out. Once we set it in legislation, it is very hard for the people of this province to change it. You and I both know that.

What I am trying to say is that before we place the public in a position in these single-school communities where all of a sudden they wake up in the morning to find that this minister has said

he is going to protect the schools in these nebulous terms—

I asked him about a school system with 100 students, which is very few, and I expected him to say, "With 100 students in a school system, no, I would not allow a coterminous separate school board to be created," because at that point, in the situation I have in mind, you could place the educational program of those students in great jeopardy.

I have been able to discern from his responses to us that he is saying there is no protection for the single-school communities in this province, none whatsoever in this bill, other than his good graces and the good graces of the planning and implementation commission.

I recall that there are some areas that implemented coterminous separate secondary schools and created great disarray. I can recall one, for example, in Kenora. I can recall others where the separate school boards started with very few students. In fact, if I am not mistaken, one did not even have buildings to begin with.

Some of them started because they were able to bus students out of areas—not large numbers and not enough to threaten the viability of that local school. But it was certainly brought to our attention that if many more went, they could threaten the viability of that school.

It seems to me that maybe the minister would like to try again to answer the question my colleague asked him. Would he agree to a phrase added to the NDP's amendment stating that no single-school community will lose its public high school in this province? If the minister and the government are really serious about the protection of those single-school communities, it seems to me that this is the least they can do.

Mr. Chairman: I am not going to ask the minister to answer that, because if you decide to support that kind of amendment and if the NDP does, you will not need the minister's support for it to have it passed into law. We will see when you phrase an appropriate amendment at the appropriate time on that matter whether that will be followed.

4:50 p.m.

Mr. Davis: I should say that I find the kind of protection that the present Liberal government and the third party are trying to indicate they are giving to the single-school communities across this province to be less than real.

Mr. Chairman: Strangely, I got that point.

Mr. Davis: I thought you might have got that point.

Mr. Chairman: I understand fairly well now the difference of opinion in terms of how this can be implemented, and I have not heard much lately that is new. Unless I do hear more, I am going to suggest we take a vote on Mr. Davis's amendment and then move on. Anything further?

Mr. Jackson: We would like a recorded vote.

Mr. Chairman: Absolutely. It shall be.

The committee divided on Mr. Davis's motion, which was negated on the following vote:

Ayes

Baetz, Davis, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Ayes 3; nays 6.

Mr. Chairman: Back to the initial subsection 136a(1). Any further debate?

All those in favour of subsection 136a(1) of the act, as set out in section 2 of the bill, please so indicate.

Those opposed?

The motion is carried.

Subsection 136a(2) of the act, as set out in section 2 of the bill, reads, "An election under subsection (1) shall be by bylaw approved by the minister."

I presume there is no point in moving your proposed subsection 136a(2), Mr. Davis, which you spoke to regarding your subsection 136a(1).

Mr. Davis: I would like to comment on it. I do not know whether this is the appropriate place to move it, but we hope the minister in his wisdom will take a look at that amendment even though it has been defeated and will provide for the separate school students in those single-school communities the type of instructional classes they—

Interjection.

Mr. Davis: We can move the amendment, can we not?

Mr. Jackson: Why would the chairman presume it is irrelevant?

Mr. Chairman: It is only because of the initial few words in the proposed amendment to subsection 136a(2), "In communities where there is a single public secondary school with an enrolment of 500 or less."

Mr. Jackson: It does set out a method by which the separate and public boards can establish—

Mr. Chairman: It was not to the substance of those other matters; it was only to the wording, which referred back to your proposed subsection 136a(1) with the figure of 500, which we just defeated fairly clearly. If you want to try to do a rewording of that, I will be happy to accept an amendment.

Mr. Jackson: Can we stand this down so we can rework it?

Mr. Davis: It might fit in more appropriately in—

Mr. Chairman: There might be another subsection that you may find—

Mr. Davis: Where it would fit in.

Mr. Chairman: —more useful than this one, which just reads at the moment, "An election under subsection (1) shall be by bylaw approved by the minister."

Mr. Jackson: Probably page 26.

Mr. Chairman: I do not know what legal counsel thinks, but you could either do it much later in Mr. Allen's portion or you could move a subsection in this section. That will be the other alternative. Is there debate on subsection 136a(2) of the act, as set out in the bill?

All in favour please indicate.

The motion is carried.

Subsection 136a(3) of the act, as set out in section 2 of the bill, reads:

"The minister may approve a bylaw under subsection (2) upon receiving the advice of the planning and implementation commission that the commission is of the opinion that the first annual implementation plan formulated by the separate school board for the purpose of providing secondary school education and filed with the commission will permit the separate school board to provide secondary school education and will promote the best interests of public education in Ontario."

Mr. Jackson: That is the second time we have heard that this afternoon.

Mr. Chairman: We have your subsection 136a(3) proposed by the official opposition.

Mr. Davis moves that subsection 136a(3) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(3) The minister may approve a bylaw under subsection (2) upon receiving the advice of the planning and implementation commission that the commission is of the opinion that,

"(a) the first annual implementation plan formulated by the separate school board for the purpose of providing secondary school education and filed with the commission has been discussed

and reviewed by the local public board(s) of education and that a viable Roman Catholic secondary school program can be established; and

"(b) the first annual impact statement formulated by the public board of education to outline the effect on it of the local separate school board(s) providing secondary school education and filed with the commission has been discussed and reviewed by the local separate school board(s) and that the secondary school education provided by the public board of education will continue to meet community expectations for its programs."

Mr. Davis: What we have done is to provide the opportunity in legislation—which we feel is where it should be, not in specific guidelines—for those who are implementing their plans, that the plans are reviewed by the public board and commented on and that the separate board also comments on the public board's review plans. We found as we went around the province that secondary plans that had not been seen by the public boards were placed in the hands of the planning and implementation commission, and that is what we are trying to deal with.

It is very interesting that we have added "that a viable Roman Catholic secondary school program can be established," as well as "that the secondary school education provided by the public board of education will continue to meet community expectations for its programs." We have taken the exact wording from the planning and implementation guidelines that it says it is using to make those establishments and that have been verbally approved by the Minister of Education. When we asked him several months ago whether he approved the new planning and implementation guidelines—and we pointed out some instances—he publicly went on record and said he supported them.

We have taken the criteria they indicated they are now using to determine whether a coterminous separate board can be established in a jurisdiction and we have placed them into legislation. It is our feeling that they should be in legislation so that the boards are protected and so that there will be some criteria in legislation, and not in regulations, that people can look at—even though they are not defined, and we will admit they are not defined—and at least have something they can build cases on.

Mr. Allen: This is an amendment that, however well intended, is going to work a fair amount of mischief, as far as I can tell. It says the minister may approve the establishment of a

separate secondary program "upon receiving the advice of the planning and implementation commission that the commission is of the opinion," among other things, that the "annual implementation plan...has been discussed and reviewed by the local public board(s)."

We all know there were some parts of the province, some jurisdictions, one of them not very far away, right here in Metropolitan Toronto, where there were public boards that refused to discuss. Quite frankly, I do not think we can hold this whole process up to that kind of ransom. I simply cannot accept the first part of the subsection in that respect.

Second, I find with regard to proposed clause 136a(3)(b) that the kind of vagueness the Conservative Education critic found in the definitions of "viability" still attaches, at least in my mind, to the notion of meeting community expectations, which obviously have to have a play in the situation but which do not tell us anything very definite whatsoever. I prefer simply to leave the section in the more general terms in which it currently exists in the act.

Mr. Reycraft: I am a little confused by Mr. Davis's approach in criticizing the statement used in subsection 136a(3) of the bill, which talks about promotion of "the best interests of public education." He complains that this is too general, but at the same time he deals in his amendment with "community expectations" and "viability," also very difficult items to define. Of course, the definition does depend on the local situation and has to be interpreted with that local situation in mind.

5 p.m.

Mr. Jackson: We would be pleased to include that in a definition.

Mr. Chairman: Go ahead, Mr. Reycraft.

Mr. Reycraft: I will have to put that into context. Our position is that the existing section in the bill deals better with the situation. It does not present the same kind of difficulty Dr. Allen described. If the public board refused to consider the implementation plan, it could create enormous problems.

Mr. Davis: I stand to be corrected by the planning and implementation guidelines, but I believe only the Metro board did not respond. Only four of those boards did not respond and one did.

Mr. Chairman: I cannot remember, but I think you are right. Is that right?

Mr. Clifford: There could be other examples of public boards that did not respond.

Mr. Davis: I did not come across any. The interesting thing is that, if I am not mistaken, what we have included in here is the process now being used by the planning and implementation commission in respect to the determination of the extension of a separate school board.

The wording is very interesting; Dr. Allen picks it up. It is the exact wording and phraseology of the planning and implementation commission, approved by the minister and now being used to make its determination. I do not think it is for me to make those definitions. I assume they would be the definitions of the present government, which has approved in principle the kinds of guidelines the planning and implementation commission is using. At least, the minister did. All we want to do is tie that down into legislation, rather than leave it in the hands of the planning and implementation guidelines. That is the rationale behind it.

Mr. Reycraft: There is something else that seems to be a bit confusing. As I listen to Mr. Davis's comments, I somehow get the impression he regards this whole business of bylaw approval as an ongoing and recurring process. It is my understanding that is not the case. It takes place only once, when the separate board initially makes the election to proceed with extension. If that is the correct interpretation, then we have 39 or 40 separate school boards across the province that have already gone through that procedure. Therefore, its application would be rather narrow in scope.

Mr. Davis: That is right.

Mr. Chairman: That is true of the initial subsection, as well as the amendments. They all apply only to the first year.

Mr. Allen: Briefly, in regard to Mr. Davis's reference to the words used by the planning and implementation commission, I think it is important that those words are used by it to describe the process and that they become lodged in the process. However, when you put it in the legislation, then you set a criterion that has to be met in the process of ratification. I think that is the difference. From that point of view, it must not be in the legislation, but it must be in the process. As long as the planning and implementation commission is using the process, the precedent is there and we can rely on it.

Mr. Chairman: Is there any further debate? The position has been fairly well articulated a couple of times now by Mr. Davis and in the responses from the parliamentary assistant and the critic. If there is no further debate, all those in

favour of Mr. Davis's motion to amend subsection 136a(3)? Those opposed?

Motion negatived.

Mr. Jackson: I move that subsection 136a(3), as set out in the bill, be amended by inserting the word "annually" after the first reference to the word "approve," and the words "for the forthcoming school year" after the words "the first annual implementation plan formulated."

Mr. Chairman: Can I have that as a written motion?

Mr. Jackson: Do you want me to write that out?

Mr. Chairman: I do not have it, do I? I do not see it here.

Mr. Jackson: It is very clear and straightforward. It is simply a reference to the ongoing and annual accountability of the minister. Ministers may come and go, and governments may too.

Mr. Chairman: I understand that. Anything is possible in Ontario these days.

Mr. Jackson: Certainly coalition ones will be gone soon.

Mr. Chairman: It will definitely be in order, once I see it.

Mr. Reville: It will be in order, Mr. Chairman, but it will be absurd. That is my speech on the matter.

Mr. Chairman: That is your speech. Mr. Reville has been on the list and off. We are moving right along. Does anybody else want to discuss a motion which I do not have before me, but which has been explained and will be in order when I receive it?

Mr. Jackson moves that subsection 136a(3) be amended to insert after the word "approved" the word "annually" in the first line and to replace the words "first annual implementation plan" with the words "the implementation plan for the forthcoming school year."

Is that what you want, Mr. Jackson?

Mr. Jackson: It would suffice if it reads "the first annual implementation plan formulated for the forthcoming school year by the separate board."

Mr. Chairman: The import is understood. The trouble is I do not have the official wording of this. It has to go into the record. That is my problem. I have to initial it, etc. The import is to make this more than a one-shot affair, to make it an annual event that is required. Is there any further debate on these additional words being added to subsection 136a(3)?

Mr. Reycraft: Is there any indication by Mr. Jackson or is there any intent to provide in the motion for how long this process would have to continue?

Mr. Reville: Until the cows come home.

Mr. Chairman: As yet, there is none.

Mr. Reycraft: It seems to me that requiring the bylaw approval on an annual basis will create total confusion in the educational community. Boards need to have greater stability than such a process would provide. I cannot support the amendment.

Mr. Chairman: Is there any further discussion on the amendment to subsection 136a(3)? If not, all those in favour of Mr. Jackson's amendment, please indicate. Those opposed?

Motion negatived.

Mr. Chairman: Is there any further debate on subsection 136a(3)? If not, all those in favour, please indicate. Motion carried.

Subsection 136a(4) reads:

"The secretary of a separate school board that makes an election under subsection (1) shall forthwith transmit to the ministry a copy of the bylaw certified by the secretary."

That is pretty basic. I do not think there is a motion to amend this. All those in favour of this subsection, please indicate. Motion carried.

5:10 p.m.

Subsection 136a(5) reads:

"Upon approval of a bylaw by the minister, the ministry shall transmit notice of the approval to the board that passed the bylaw and shall transmit a copy of the bylaw and notice of approval,

"(a) to the planning and implementation commission;

"(b) to the secretary of every board of education that has jurisdiction in the same area as the separate school board;

"(c) to the clerk of every municipality all or part of which is within the area of jurisdiction of the separate school board; and

"(d) to the appropriate assessment commissioner."

Is it understood in terms of who gets the copies of this? All those in favour, please indicate. Those opposed? Motion carried.

Mr. Davis, have you decided whether you would like to raise that matter which you had under subsection 136a(2) under another section?

Mr. Davis: We will bring it in under another section. There are other areas that we can bring it under.

Mr. Reville: Do I understand that has been withdrawn?

Mr. Chairman: That is withdrawn as an amendment to this section.

Mr. Davis: Mr. Chairman, are you referring to the section on the single-school community?

Mr. Chairman: Yes, on the single-school community.

Mr. Davis: We did not discuss it or place it. We will withdraw it for now.

Mr. Chairman: Shall section 136a, in its entirety, carry? All those in favour? Those opposed? Carried.

On section 136b, subsection 136b(1) reads:

"An election under section 136a is effective on the first day of the school year specified in the bylaw approved by the minister."

These are all existing and have been carried at second reading. All these need not be moved. Only new amendments may be moved, but we take a vote on each of them. We had so many changes in the pharmacy bill I decided it would be a lot easier for us. We have had some changes since second reading in January; that is why I did it that way at that time.

Is there any discussion on the date? All right. All those in favour of subsection 136b(1), please indicate. Motion carried.

Subsection 136b(2) reads:

"A bylaw approved by the minister after the 30th day of June in a year shall not take effect before the school year that commences in the next following year."

Is there any discussion of the lead-time provision?

Mr. Jackson: Is the minister here?

Mr. Chairman: Sorry, he had to go to cabinet.

Mr. Jackson: It begs the question of the timing of this bill in the House. Are there any problems vis-à-vis the minister's approval? He is currently making approvals and has been making approvals. He really does not need this section to authorize him. This is only fixing the time and date.

Mr. Clifford: Yes.

Mr. Jackson: If the bill is not approved by June 30, then he would still have the right to approve plans after June 30.

Mr. Clifford: Yes.

Mr. Jackson: However, if it is before June 30 he would have to have them approved. Has the planning and implementation commission apprised the minister of its ability to deal with that for those that still have outstanding matters?

Mr. Clifford: There is continual correspondence between the planning and implementation commission and the minister regarding approvals. They do not come in one large group.

Mr. Jackson: My questions are: Are they aware of June 30? Do they have any difficulty with June 30? Have they expressed to the minister that for this year June 30 may not be appropriate? It is only because it is a trigger year in legislation that is at or near the time that I am raising the question.

Mr. Clifford: They have not expressed a concern at this time.

Mr. Jackson: That is all I was looking for.

Mr. Chairman: Is there any further discussion? If not, all those in favour of subsection 136b(2), please indicate. Motion carried.

Shall section 136b in its entirety carry? All those in favour, please indicate. Carried.

Section 136c reads, "A Roman Catholic school board has all the powers and shall perform all the duties that are conferred or imposed by this act on a secondary school board in respect of the secondary school grades for which the Roman Catholic school board is entitled to share in the legislative grants."

Mr. Davis: When we read in this section, "has all the powers and shall perform all the duties that are conferred or imposed by this act on a secondary school board in respect of the secondary school grades for which the Roman Catholic school board is entitled to share in the legislative grants," I assume that means the board not only has the right but also there is an expectation that it will deliver technical education.

This is one of the questions I want clarified. I thought this might be a good place to raise it, because we may want to do something down the road. In the planning and implementation guidelines—and I must refer to the guidelines because they are the only thing that is operating until this legislation is passed—it states, if I recall, that a separate secondary board must offer a full program within five years. Am I correct?

Mr. Clifford: Yes.

Mr. Davis: Will you explain what you mean by a full program?

Mr. Clifford: We mean the requirements of the Ontario Schools, Intermediate and Senior Divisions document, which says that a resident pupil, who is therefore qualified to attend a secondary school, must be presented by that board with the opportunity to fulfil the credit requirements to achieve the school diploma. It does not necessarily mean that board has to

provide them all, but it has to make them available. They could be made available through purchase of service.

Mr. Davis: According to the OSIS document, they can take either a business course or a technical course. Is that right? They do not have to take both. It is one or the other.

Mr. Clifford: They are electives.

Mr. Davis: So they do not have to take them.

Mr. Clifford: They are not compulsory subjects.

Mr. Davis: Does that mean a separate secondary school board would not have to offer technical education under your planning and guidelines?

Mr. Clifford: I would like to look at the compulsory subjects to make sure of my answers.

Mr. Davis: Go ahead; that is fair. It is important for us to look at that. It is a concern that was constantly raised. We may have to deal with this.

Mr. Clifford: While we are looking up the compulsory subjects, my answer would be that if you are going to be offering programs and if you wish to attract students, then you are probably going to have to offer as broad a range of program offerings as those students are asking for or seeking, or you are not going to have the students.

Mr. Davis: However, I would like to clarify it on the basis of my understanding of OSIS.

Mr. Clifford: There is one compulsory credit in business studies or technical studies.

Mr. Davis: In essence, then, the separate secondary panel could offer the business course and say to any youngster, "If you want a technical one, you will have to buy it."

Mr. Clifford: Yes.

Mr. Davis: They would buy it from the public boards.

Mr. Clifford: Yes.

Mr. Davis: There is no requirement other than that the separate board may wish to incorporate some kind of technical program. There is no requirement for the Roman Catholic school board to perform the duties of delivering the technical program in its own system.

Mr. Clifford: It is not a requirement to deliver in its own system.

Mr. Davis: It would purchase the program.

Mr. Clifford: It could purchase.

Mr. Chairman: Does the public board have the same right?

Mr. Clifford: Yes. In the public board case, that purchase could be from another public board as well.

Mr. Davis: Or a separate board could purchase from another separate board, going down the road, or from a public board.

Mr. Clifford: Yes. The section we are about to address is to make it possible for separate boards to purchase from secondary boards.

Mr. Davis: Can I follow up with another question? I do not know where else to ask, and it is important. We probably will not have any problem with this, but we may want to address concerns that come out of it later.

If a separate board determines to purchase the technical program from a public board and sends in the student for the one program, does the receiving board receive a per pupil grant for that or is it only the cost of the program?

5:20 p.m.

Mr. Clifford: It is the cost of the program. For example, at present, the grants for the fees would be covered and provide for a public secondary board to purchase from another public secondary board, and the fee that is to be paid covers the gross cost of that credit. That is what we are talking about here.

Mr. Davis: So they could purchase a business or technical program; they do not have to have it in their own system, but have to provide the student with the right to take it.

Mr. Clifford: If that student has the qualified right to attend their school and wishes to proceed towards a secondary school diploma, yes.

Mr. Chairman: That does sound to me that if you wish to address some matters coming out of this, it might be appropriate at a later time.

Mr. Davis: That is fine.

Mr. Chairman: I understand that there is a problem of where we ask the questions on this, given the number of subsections and side issues plus the number of amendments we have as well. I will be generous about us using this up.

Mr. Davis: I appreciate that.

Mr. Chairman: Is there any further discussion on section 136c? All those in favour of section 136c, please indicate. Carried.

Section 136d reads, "A Roman Catholic school board may enter into an agreement with a public board or another Roman Catholic school board to provide for the instruction of pupils of the Roman Catholic school board in the school or

schools operated by the public board or the other Roman Catholic school board and for the payment in respect of such pupils of fees calculated in accordance with the regulations."

We will deal with the government amendment first.

Mr. Reycraft moves that section 136d of the act as set out in section 2 of the bill be struck out and the following substituted therefor:

"136d(1) A Roman Catholic school board and a public board may enter into an agreement to provide secondary school instruction of pupils of the one board in a school or schools operated by the other board, upon payment of fees by the board requesting the instruction to the board that provides the instruction.

"(2) The fees for the provision of the instruction shall be calculated in accordance with the regulations."

Mr. Reycraft: The motion provides for the purchase of service on a reciprocal basis by a separate board from a public board or by a public board from a separate board.

Mr. Davis: I think our subsection 136d(1) is pretty well the same, although I would like to look at that a bit more. We certainly have great concern with the suggestion that the fees for the provision of instruction shall be calculated in accordance with the regulations. We would much prefer that this section is defeated and that we are allowed to place our amendment, which we could place anyway.

Mr. Chairman: I was going to say that, if you wish, what you should do is move your amendment.

Mr. Davis: Let me move ours. Let me move both subsections and we will come back.

Mr. Jackson: He missed bills 54 and 55, the lucky guy.

Mr. Davis: I move that subsection—I guess it is an amendment to theirs.

Mr. Chairman: Yes, this is a subamendment to Mr. Reycraft's amendment.

Mr. Davis moves that Mr. Reycraft's amendment to section 136d, as set out in section 2 of the bill, be struck out and the following be substituted therefor.

Mr. Davis: I am just deciding if we need subsection 1. Let me do subsection 2 and perhaps I can come back to subsection 1.

Mr. Chairman: Why do you not check on that first? It will be easier to do it all at once.

To assist in your discussion, there are two ways you could deal with this. You could move your entire amendment with both subsections in

or ask me to split section 136d into subsections 1 and 2. Then we could vote on the subsections separately and you could move your amendment to subsection 2 separately, whichever you prefer.

Mr. Davis: Let me read them in so we can do the discussion.

Mr. Chairman: All right.

Mr. Davis: "A Roman Catholic separate school board and/or a public board of education may enter into agreements to provide secondary school instruction for its pupils in a school or schools operated by other separate school boards and/or other public boards of education and for the payment of fees for such instruction of such pupils by the board(s) requesting the instruction to the board(s) providing the instruction, and the fees for the provision of such instruction in subsection (2) shall be calculated in accordance with the actual costs of such instruction as incurred by the board providing the instruction."

Mr. Chairman: It is all very instructive and totally in order. Would you like to speak to it?

Mr. Davis: I would like to make a comment. First of all, perhaps Mr. Reycraft will explain to me why they have changed section 136d. I will read the original:

"A Roman Catholic school board may enter into an agreement with a public board or another Roman Catholic school board to provide for the instruction of pupils of the Roman Catholic school board in the school or schools operated by the public board or the other Roman Catholic school board and for the payment in respect of such pupils of fees calculated in accordance with the regulations."

Mr. Chairman: It now deals with the two systems.

Mr. Davis: Yes. Will he please explain the rationale? As I understand the new section, the Roman Catholic board can only buy from the public boards. It cannot buy from itself. I suggest that prevents the public board from buying from another public board. I would like him to clarify the rationale of the government to make that determination and then we will certainly talk in earnest.

Mr. Reycraft: My understanding of the section as it was printed in the bill was that it did not allow board-to-board agreements to be initiated by either a public board of education or by a Roman Catholic school board. It did not allow the agreement to be initiated by either party. This would permit that to happen.

Did you read subsection 136d(2) into the record as well?

Mr. Davis: Yes.

Mr. Reycraft: I was distracted while you were reading subsection 1. I was not sure whether you had completed all of the amendments.

There is also a technical error in Mr. Davis's motion in that he refers to a "Roman Catholic separate school board." The definition section would require that it read a "Roman Catholic school board."

Subsection 136d(2) has some significant financial implications, as Mr. Davis is well aware. Because we did not have his amendments for any significant period of time—

Mr. Davis: We apologize for that.

Mr. Reycraft: —before this afternoon's session, we did not anticipate dealing with this particular issue. We would like to have some explanation about the financial implications of it by people who are experts on these things and in a much better position than I am to provide that kind of explanation. I suggest we stand down section 136d until Tuesday so that we can have an opportunity to receive a presentation by someone from the finance branch of the ministry and have an opportunity to question that individual.

Mr. Chairman: Agreed?

Mr. Davis: Yes. We have no problem with that.

Mr. Chairman: Just before we leave it, Mr. Clifford tells me the right for boards of the same type to purchase is already there. It is not required. The provision for between boards was not there. That is why this needed to be put in the act.

Mr. Davis: So then our subsection 136d(1) is covered?

Mr. Chairman: Yes.

Mr. Davis: It is just subsection 136d(2) that is needed. We will withdraw subsection 136d(1) because the overall amendment deals with that. We will leave subsection 136d(2) and we will stand it down.

Mr. Chairman: Is that understood? We are withdrawing Mr. Davis's amendment to subsection 136d(1). His subsection 136d(2) remains and we will stand it down until we have a report on Tuesday.

Mr. Reycraft: Can we vote on subsection 136d(1) and just stand down subsection 136d(2)?

Mr. Chairman: Yes, we can. Would you like to? It is not a problem. The real question is whether or not we wish to deal with subsection 136d(2).

Mr. Davis: Yes. It does deal with the—
5:30 p.m.

Mr. Chairman: Why do we not deal with it at the same time? There will not be a problem when we come back to it. It will not take more than another couple of minutes. Section 136d is stood down.

Moving to section 136e, subsection 136e(1) reads, "A Roman Catholic school board is entitled to share in the legislative grants for secondary school purposes."

I see no amendments. All those in favour, please indicate. Carried.

Subsection 136e(2) reads, "The payment of legislative grants to a Roman Catholic school board is subject to the conditions prescribed by the regulations."

Mr. Jackson: Does that mean any reference to grants or fees in the bill will be in conflict with those prescribed by the regulations?

Mr. Chairman: I do not understand you.

Mr. Jackson: The Liberal amendment we just left open deals with fees being set out in the regulations. Now we are talking about payment of grants.

Mr. Chairman: They are only legislative grants.

Mr. Revell: As opposed to fees.

Mr. Jackson: Is it clear there is a difference?

Mr. Chairman: Those things are separate.

Mr. Jackson: Okay.

Mr. Chairman: There are no amendments. All those in favour, please indicate. Carried.

Subsection 136e(3) reads, "The apportionment and distribution of legislative grants to a Roman Catholic school board is subject to the regulations."

All those in favour, please indicate. Carried.

Subsection 136e(4) reads, "The payment and apportionment of legislative grants to a Roman Catholic school board is subject to compliance by the Roman Catholic school board with sections 136a to 136y."

Again it is understood that we may be changing those numbers, if necessary, with amendments later.

All those in favour, please indicate. Carried.

Section 136e is carried.

On section 136f, subsection 136f(1) reads, "Where, before the coming into force of this act, the planning and implementation commission has reported to the minister upon the implementation plan of a separate school board and has

advised the minister that the plan is appropriate for funding for the school year commencing in 1985, the separate school board is entitled to share in the legislative grants for secondary school purposes as of the first day of the school year commencing in 1985."

Mr. Jackson: I thought there was a government amendment at one point, but I guess it has been withdrawn.

Mr. Revell: There is a government motion for subsection 136f(3).

Mr. Chairman: All those in favour, please indicate. Carried.

Subsection 136f(2) reads:

"The entitlement under subsection (1) is subject to,

"(a) the separate school board electing by bylaw to perform the duties of a secondary school board;

"(b) the approval of the minister; and

"(c) subsections 136e (2) to (4)."

All those in favour, please indicate. Carried.

Subsection 136f(3) reads, "The separate school board shall forthwith after the coming into force of this act pass the bylaw and transmit to the ministry a copy certified by the secretary of the board."

Mr. Reycraft moves that subsection 136f(3) of the act, as set out in section 2 of the bill, be amended by striking out "act" in the second line and inserting in lieu thereof "section."

Mr. Reycraft: That is only housekeeping. It is a technical amendment. The Education Act is already in force.

Mr. Chairman: Is that understood? All those in favour of the amendment to subsection 136f(3), please indicate.

Motion agreed to.

Mr. Chairman: All those in favour of subsection 136f(3), as amended, please indicate. Carried.

Subsection 136f(4) reads, "Subsections 136a(3) (approval) and (5) (notice) apply with necessary modifications in respect of an election under this section to perform the duties of a secondary school board."

Are there any amendments? All those in favour, please indicate. Carried.

Subsection 136f(5) reads, "Subsection 136b(2) (election after 30th day of June) does not apply in respect of a bylaw under this section."

Again, there are no amendments before me.

Mr. Jackson: Can somebody explain what that means?

Mr. Kirkwood: That is intended to cover off the passage of the legislation in a year where it is tight up against June 30, such as this year, so it would give effect to those elections that took place in the previous year and in the current year as well.

Mr. Jackson: What do you mean by "those elections"?

Mr. Kirkwood: The election by the board to extend.

Mr. Jackson: Do you mean to participate? Okay. That is basically the question I asked earlier.

Mr. Chairman: All those in favour of subsection 136f(5), please indicate. Carried.

I see a new subsection 136f(6). Mr. Reyecraft moves that section 136f of the act, as set out in section 2 of the bill, be amended by adding thereto the following subsection 136f(6):

"Section 136l applies with necessary modifications in respect of the entitlements of persons designated by a public board and employed by the separate school board after the commission has reported to the minister under subsection (1) but before the coming into force of this section."

I hope that you will explain this to me, Mr. Reyecraft.

Mr. Reyecraft: This is also an amendment that is technical in nature. It covers teachers who will have transferred from a public board to a separate board under the planning and implementation commission guidelines before Bill 30 becomes an act.

Mr. Chairman: It does not derogate from their rights as we will be passing them in one form or another, one presumes, under 136l. Is that the idea?

Mr. Reyecraft: No. It simply confers on those individuals all the protections the teachers will receive under the act.

Mr. Jackson: Would it not be more appropriate to have that in the section which addresses that very point?

Mr. Kirkwood: I think it was placed there by the drafters of the legislation because it fits within the category of transitional requirements within the bill.

Mr. Chairman: When we get to 136l, it will be with the bill itself rather than the period of transition.

Mr. Revell: It is in order to have it in this place. It is exactly right that it is part of the transitional provisions and, regardless of what form section 136l is passed in, there should be

this transitional provision to deal with the designated person issue. Regardless of what is done with 136l, this provision should be here.

Mr. Chairman: I gather there are essential amendments around the whole, much-debated question of positions and persons. Does this have any impact on that in that the provision of 136l will turn out in the end to provide for the protection of persons, just as the procedure that starts off with positions? Am I correct? Okay.

Is there anything else on 136f(6)? All those in favour, please indicate.

Motion agreed to.

Section 136f in its entirety, and as amended, is carried.

5:40 p.m.

On section 136g, subsection 136g(1) reads, "For the first school year in respect of which an election is effective, the entitlement of a Roman Catholic school board under section 136e applies in respect of the secondary school grade or grades, not exceeding grades 9 and 10, in which the board is providing instruction in the immediately preceding school year and in respect of the next higher grade."

I have no amendments before me. As we know, this is the process that has been established for the phasing in of the programs. All those in favour, please indicate. Carried.

Subsection 136g(2): "The entitlement of a Roman Catholic school board under section 136e applies in respect of grade 9 or grade 10 or both, provided for the first time in the first school year in respect of which the election of the Roman Catholic school board is effective."

Any amendments? Any discussion? All those in favour? Those opposed? Carried.

Subsection 136g(3): "For each subsequent school year, the board's entitlement under section 136e applies in respect of the same secondary school grades as in the previous school year and in respect of the next higher grade until the entitlement applies in respect of all secondary school grades."

Understood? All those in favour, please indicate. Carried.

Section 136g is carried.

Moving to section 136h, subsection 136h(1) reads, "A Roman Catholic school board is entitled to share in the legislative grants as provided in section 136e in respect of a secondary school established and operated under part XI by a public board and transferred to and operated by the Roman Catholic school board."

I have no amendments in front of me. All those in favour, please indicate. Those opposed? Carried.

Subsection 136h(2): "The entitlement under subsection (1) is in addition to the entitlement under section 136g (secondary school grades)."

Any discussion? All those in favour, please indicate. Those opposed? Carried.

Section 136h is carried.

Moving to section 136i, subsection 136i(1) reads, "No member shall be elected by separate school electors to a public board that has the same or part of the same area of jurisdiction as a Roman Catholic school board."

I do not have an amendment to this. I have a new subsection 136i(3) that is being suggested by the government and the official opposition. Any discussion on subsection 136i(1)? All those in favour? Carried.

Subsection 136i(2): "Subsection (1) applies in respect of the regular election under the Municipal Elections Act in the year 1988 and to elections held under that act after the year 1988."

I have no amendments. All those in favour of subsection 136i(2) please indicate. Carried.

Subsection 136i(3): "A member of a public board mentioned in subsection (1) elected by separate school electors ceases to be eligible to be a member of the public board at the end of the first calendar year in which the Roman Catholic school board performs the duties of a secondary school board in accordance with an election under section 136a."

I have an amendment by the government.

Mr. Reycraft moves that subsection 136i(3) of the act as set out in section 2 of the bill be struck out and the following substituted therefor: "After the end of the first calendar year in which a Roman Catholic school board performs the duties of a secondary school board in accordance with an election under section 136a or 136f, no member elected by separate school electors and no separate school supporter or separate school elector is eligible to be a member of a public board that has the same or part of the same area of jurisdiction as the Roman Catholic school board."

Mr. Reycraft: The purpose of the motion is to make sure that once separate school representatives are removed from the public board, those vacancies are not filled.

Mr. Chairman: I note an amendment from the official opposition.

Mr. Davis moves that subsection 136i(3) of the act as set out in section 2 of the bill be struck out and the following substituted therefor: "After

the end of the first calendar year in which a Roman Catholic school board performs the duties of a secondary school board in accordance with an election under section 136a or 136f or the day the assessment is transferred to the Roman Catholic school board, no member elected by separate school electors and no separate school supporter or separate school elector is eligible to be a member of a public board that has the same or part of the same area of jurisdiction as the Roman Catholic school board."

Mr. Davis: All we have done is to add "the day the assessment is transferred to the Roman Catholic school board." I understood the minister indicated last year, around the latter part of November, that it was his intention to transfer the separate school assessment en bloc as of January 1 of this year. Because of other circumstances, he was not able to do that, but I remember during the debate that the indication was that once the assessment was transferred en bloc, the separate school trustees would no longer have the right to sit on a public board.

If it is possible that you could transfer the assessment without the word "assessment" being mentioned, and unless it is in the act, the separate board trustees could still sit on public boards where the coterminous board has not determined its direction. We want to make sure that on the day the assessment is transferred all separate school trustees cease to sit on public boards across this province because there is no longer the assessment representation, or whatever it was, that is included in that process.

One of the rationales we put behind it is that there is a possibility, because it is not mentioned, that the assessment could be transferred this coming December 31, for example, and in some of the boards where they have not made the determination for a coterminous secondary panel, there is nothing to prevent the trustees from staying on.

Mr. Chairman: I am afraid I have to cut you off at this point. That is a quorum call upstairs. Under our new rules, we will have a brief recess so that members can go upstairs to vote if they like. We will start as soon as the bells stop. I would ask members not to disappear to offices or anything like that but to hang about. As soon as it is over, I want to call us to order.

The committee recessed at 5:46 p.m.

5:49 p.m.

Mr. Chairman: I call us back to order. I am about to call a vote. I thought that might get you back to your seats more quickly. We are discussing Mr. Davis's subamendment to Mr.

Reycraft's amendment to subsection 136i(3). It sounded as though you were wrapping up at that point, but I had to cut you off because of the rules, which unfortunately I did not do quickly enough to get the members into the House and I apologize.

Mr. Reycraft: One of us got in.

Mr. Chairman: One of you got in? Okay.

Mr. Reycraft: But he is not back yet.

Mr. Chairman: Is there anything further you would like to add, Mr. Davis, to your statement? The issue is quite understandable. One is the taking effect of the day of assessment and the other giving a specific day to do with the calendar year in notice rather than under assessment.

Mr. Reycraft: My understanding of the bill as it is now drafted is that the trustees representing separate school supporters will cease to be members of the board and the assessment will transfer January 1 of the year following the election. In listening to Mr. Davis's comments, I do not see any substantive difference between what he is proposing and what the bill now provides.

Mr. Davis: Would you say that again?

Mr. Reycraft: Trustees representing separate school supporters cease to be members of the public board and—

Mr. Davis: Hold it there. They cease to be members of the public board when?

Mr. Reycraft: —the assessment transfers January 1 of the year following the election. Both occur on January 1 of the year following the election.

Mr. Davis: Let me ask a question for clarification.

Mr. Chairman: I may need help.

Mr. Davis: A board has determined now to have the coterminous panel. For the ones that have already decided now, are their trustees no longer on the board as of December 31 this coming year?

Mr. Chairman: If the bill is in place.

Mr. Davis: They are no longer there.

Mr. Reycraft: They will leave on December 31.

Mr. Davis: Regardless of whether the assessment transfers or not?

Mr. Chairman: I gather the assessment will transfer at that point.

Mr. Davis: Let me ask a question. There is a supposition that the minister is going to be able to put everything in place to transfer the assessment

as of the end of this coming year. He tried it last year. He was not able to do it. Let me make this supposition and perhaps it can be clarified. Let us assume for a moment that the assessment is not transferred en bloc across to the separate school. What happens to the separate school trustee whose board at present has made the determination to be a coterminous secondary panel? What happens to him?

Mr. Reycraft: I am sorry, the last part of the question?

Mr. Davis: What happens to the separate school trustee now, as of December 31 of this year? Let us assume for a minute there is no transfer of assessment. Is he no longer a separate school trustee?

Mr. Chairman: Or is he tied to the assessment?

Mr. Davis: Or does he drop off only when the assessment passes?

Mr. Chairman: Do you want me to refer to staff for that one?

Mr. Reycraft: My understanding is that the assessment will transfer, if the board has made the election. As to Mr. Davis's comment about the minister having tried it last year, there was no act in place. It is anticipated that there will be.

Mr. Davis: One of the messages I am hearing is that the assessment will transfer if the board makes the determination. I understood the minister to say he was going to transfer it en bloc. What he tried to do last year was to move the assessment all at once, even though there are separate school boards across this province which will not have made a determination. Am I now hearing you say he is going to transfer the assessment in only those jurisdictions which have decided to move into the secondary extension?

Mr. Reycraft: Where a separate board did not choose to seek extension, there would be no change in the assessment; there would be no transfer of assessment.

Mr. Davis: That is not what the minister stated last year.

Mr. Chairman: Let us get a clarification from Mr. Kirkwood. I am not sure that is not what he said.

Mr. Kirkwood: Section 136j deals with the handing over of the taxes from the public board to the separate board, and then you follow through down to section 136k which talks about the levying of taxes, etc., in subsections 1 and 2. Subsections 1 and 2 become effective "on and

after the first day of January in the year next following the year in which this section comes into force" and that gives you the January 1 date. As well, it is covered under the Education Act in subsection 119(1) where, as an individual, if one asks to be exempt from public school rates, then on January 1 following the September 30 date when the person has requested that exemption, it goes into effect.

Mr. Davis: I will try to resolve the question I have. In the transfer of assessment, the separate school ratepayers were paying the public school support. If that is transferred to the separate school, is it going to be done only on each board that makes the determination? In other words, in Metro Toronto or in London, is the assessment transferred only in those areas or is it a total transfer of the separate school assessment across the province all at once?

Mr. Kirkwood: It is board by board, by virtue of the election.

Mr. Davis: If I am correct, there could be boards in this province which have determined not to have a coterminous separate board and which will still have separate school trustees sitting on public boards.

Mr. Kirkwood: Yes.

Mr. Davis: Last year we got into this debate. As I understood the minister, he indicated to this committee that the transfer of assessment was going to be the total separate school assessment all at once, completely, on December 31.

Mr. Chairman: It is hard to clarify things for him, but as I recall, he was still referring to within the board. If the board was just moving to grade 11, that was still going to be the entirety and en bloc. If it was already at grade 12, then it was to be the same. I never heard him say it was going to be province-wide.

Mr. Davis: I will try to dig it out for you. Our amendment deals with that act. If, on December 31 of this year, the minister transfers the whole assessment—

Mr. Chairman: That is not what we have before us in the act. If you look at subsection 136i(3) and those that follow, Mr. Kirkwood indicated that it is board by board and it would be in the January following the election. That is how the money would be transferred. Your amendment wants the transfer to take place exclusive of the trustees and, with the transfer of assessment to be tied, that would have the same effect. That is what I understand by this. Their series of amendments to this has the same effect as yours does.

Mr. Davis: Perhaps they can clarify it for me. Let me ask them this question. If my supposition was correct, that the minister's intention was to transfer all at once the total separate school assessment that is now being paid to the public boards, what would happen to separate school trustees sitting on public boards where their coterminous board has not made a determination of having a secondary panel?

Mr. Chairman: To do that, you would need a different act from the one we have before us. The one we have before us, that we are just about to go through, states specifically that it is board by board after the election, the following January.

Mr. Davis: That means the separate school assessment will go to only that local board. If the local board does not make the determination, there is no transfer of assessment.

Mr. Chairman: Yes, as it stands at the moment and according to what we have before us and amendments that I see before us.

Mr. Davis: That is not the impression I was left with last year.

Mr. Allen: To refine it, it is not following the election. It is following the acceptance and performance of the duties. You could elect after June 30 but it would not take place until the next school year.

Mr. Chairman: Right. Yes.

Mr. Chairman: It is the same wording as yours. It is the acceptance that they will perform those duties, rather than the election, that is the trigger to it. What you are after in your amendment is tying the responsibilities of the Roman Catholic representative on the public board to the fact that there is assessment there. That is covered by what they are trying to do as well. Starting the following January, the assessment and the representatives leave at the same time. The same principles are involved as we have it laid out here, forgetting how you are interpreting what the minister might have been saying before. That is what we have before us.

6 p.m.

Mr. Davis: Does this mean that for every board that has made its determination now and is already in the process of establishing grade 9 or 11, as of December 31 of this year, those separate school trustees no longer sit on the public board?

Mr. Chairman: Right.

Mr. Davis: I will withdraw it.

Mr. Chairman: Do you want to withdraw yours and go with the other? We are withdrawing

Mr. Davis's amendment to the amendment by Mr. Reycraft to subsection 136i(3).

Mr. Jackson: Did we cover the question of whether the minister has the right to blanket-move the assessment?

Mr. Chairman: I do not see that right given any place here. I do not know where it would exist. I see that he is being tied into the very specific requirement that the specific school board has to say it wants to perform the duties. Subsequent to that, on the January following that decision, the transfer of assessment must take place and the representation on the public board by separate school trustees must cease.

Mr. Jackson: Let me ask you in a reverse way. I will do it very quickly.

Would the minister be able to transfer the assessment through an order in council, which is what he was going to do last time, for all boards in the province? For example, if he were to do that for Metro Toronto, it would be one hell of a big gun at the head of the two boards to say: "Look, we have transferred the assessment. You can sit there for the next 10 years and argue and not present your plan."

Mr. Chairman: It has nothing to do with the public board; that is true. It has everything to do with the separate board deciding to perform. Once it decides to do that, whether the public board wishes to participate or not, the assessment gets transferred on the January following the decision, as I understand it.

Mr. Jackson: That does not say that assessment automatically gets transferred. All this deals with is—

Mr. Chairman: It does in the next subsections. If you wish, we can take a vote on yours and move that way.

Mr. Davis: I know it is fuzzy, but maybe the minister has changed. Maybe he is now saying that he is not going to do the transfer, but he certainly could do it in an order in council, could he not?

Mr. Chairman: Evidently.

Mr. Clifford: The question that should be answered is whether he has the authority to transfer assessment by order in council. I am not giving an answer, but that is the clarification you need.

Mr. Chairman: Do we have some legal advice on that? Mr. Kirkwood, what is your opinion?

Mr. Kirkwood: I am not a lawyer, but I do not believe there is any authority in the act for the

minister automatically to move taxes from one board to another.

Mr. Chairman: The specifics here would then apply.

Mr. Jackson: No. The minister has the right to do that because of the very reason that it is not in the act.

Mr. Chairman: Under which act? Under the Education Act or the ministry's act? Where does he have the power to do that?

Mr. Jackson: The Assessment Act gives another minister the right to transfer.

Mr. Kirkwood: I am out of my depth in the Assessment Act.

Mr. Jackson: The Education Act provides only for the election. The Assessment Act provides for the transfer of assessment. That is why it had to be dealt with by the Lieutenant Governor in Council. That is the way it was explained to us in London when this first surfaced as a contentious issue.

Mr. Kirkwood suggested that I read on, and I did. All it says here is where a separate school supporter will be exempt from paying the public board. Nowhere in the bill are we protecting a situation which might exist where the assessment will transfer, but by definition the separate school supporter is still sitting on the public board. That is what that amendment clears.

Mr. Chairman: How would that happen? Why would that take place? Why would the minister transfer assessment before a separate board has decided it wishes to take on the responsibilities?

Mr. Jackson: As a gun to the head of any large school board or boards, which is—

Mr. Chairman: The government? It does not make sense.

Mr. Jackson: You have asked me to explain it, and I am attempting to do that, Mr. Chairman.

I am not a lawyer, but in the case where a board is seeking that the courts in any form delay certain aspects of the implementation of this bill, where they have not made an agreement with the coterminous board, obviously, and/or the planning and implementation commission, the minister or the Premier has the power to transfer the assessment. The two boards would be arguing pointlessly because the money would have already transferred.

Mr. Chairman: I see that is still possible, if that would ever occur, but I cannot understand why it would.

Mr. Allen: I wonder why the minister would choose to do that when the act already provides that kind of pressure, namely, that a separate board may elect without the consent of a public board. If the public board refuses to discuss it, the process can continue and the application of the separate board can be approved by the planning and implementation commission.

What follows is that at the end of the calendar year, in the course of which that board performs the duties of a separate secondary school board, the assessment will transfer. The minister does not have need of the power separately. Under the powers of this act, the assessment can be transferred despite the public board, anyway. There is no reason to think that the minister would have to have recourse to some power that exists in another piece of legislation. If those powers are in another piece of legislation for other purposes, that is beyond the discussion of this committee.

Mr. Chairman: I not think it is covered by either of the amendments, yours included. Your amendment does not stop them from doing that either.

Mr. Jackson: All our amendment does is prevent absolutely an occasion where there may be separate school supporters on a public board and there is no assessment forthcoming.

For whatever reason, the two boards have not come to terms. They do not transfer. The minister, however, may have said that all separate school assessment goes to separate school boards. That is a separate issue from whether they are getting along or elect to. It is a basic right of a Catholic elector to have his taxes directed at the secondary level to a separate board.

Mr. Chairman: Why do we not maintain your amendment, vote on it, and move on?

Mr. Davis: We would like to do that. I know it is difficult to say what I think the minister said, but I do recall the debate and this is why we put the amendment in. He may have changed his position; I am not saying he has not. At that point, however, he indicated quite strongly that he was going to move the total assessment right across the province as of December 31.

What we are concerned with is that if that does happen, if he is allowed to do that without the assessment transfer, we could still have separate school trustees sitting on public boards, because those boards have not made their determination. He may have changed how he wants to do it, but I do recall the debate. I remember asking the question, "What are you going to do with all the

separate school money?" when, at that point, a number of boards had not determined what they were going to do.

We did not get an answer, but that was all right. That was the concern we had then and that is why we have it here. How he does it, I do not know. I am not a lawyer, but it is a possibility.

Mr. Chairman: That is understood. We are just repeating now. All those in favour of Mr. Davis's amendment to Mr. Reycraft's amendment to subsection 136i(3), please indicate. Those opposed? Defeated six to three.

Motion negatived.

Mr. Chairman: On Mr. Reycraft's amendment to subsection 136i(3)—

Mr. Davis: Is there a significant difference between that and the one here? Is the distinct difference that they cease in that first year?

Mr. Chairman: That is right.

Mr. Davis: The original elected member, the member of the public board mentioned in subsection 136i(1) as "elected by separate school electors," ceases to be eligible. All you are doing is ensuring that they cannot fill the position again. Why would they be able to fill it again?

6:10 p.m.

Mr. Chairman: It is not just to fill it again. It is for other positions that might be there; they are not eligible.

Mr. Jackson: The act makes reference to filling vacancies. It does not refer to a Catholic vacancy or a ward 1 vacancy. It covers off that section.

Mr. Davis: Vacancies would not exist because they are separate school trustees. You can be a separate school trustee only if you are a separate school ratepayer.

Mr. Jackson: The act makes specific reference to replacement, but it says, "vacancy for any reason." Here is a good reason; we have an act that says you no longer have a job. Then the act says you have to be replaced. I raised this question about the topping-up provision during the presentation section last week. The bill apparently is silent in that area and yet the ministry has a committee looking into it. I hope the committee will move with post-haste on that. I have read the section very carefully and that is the rationale.

Mr. Chairman: Is there further discussion on the amendment to subsection 136i(3)? All those in favour? Opposed?

Motion agreed to.

Mr. Chairman: All those in favour of subsection 136i(3), as amended, please indicate. Carried.

Section 136i, in its entirety, and as amended, is carried.

Moving to section 136j, subsection 136j(1) reads, "Every separate school supporter paying rates on property in the area of jurisdiction of a Roman Catholic school board is exempt from the payment of all rates imposed for secondary school purposes of a public board to the same extent that the person is exempt from payment of rates imposed for public elementary school purposes."

I have no amendments.

Mr. Davis: A separate school ratepayer whose child is now in the elementary panel would be paying taxes to his own system, would he not? After the child finishes grade 8, will the ratepayer have the option of determining whether his taxes will then go the public board? On the other hand, does the subsection mean that because the child is in the elementary panel, his parent forfeits that opportunity?

Mr. Reycraft: My understanding of the legislation is that those parents have the option every year to transfer their property taxes from the separate board to the public board and that they would continue to do so after the passage of this bill.

Mr. Davis: Therefore, that option stays open for them?

Mr. Reycraft: That is correct. That is my understanding.

Mr. Davis: Is it Mr. Clifford's opinion as well?

Mr. Clifford: May I ask once more for your question?

Mr. Davis: Does the separate school ratepayer whose child in the elementary system reaches grade 8 have to make a determination at that point—or at any point, but I want to use that point now—to direct his taxes to the public system rather than to the separate system?

Mr. Clifford: Yes.

Mr. Baetz: In situations where a family has decided that one of the children will be going to a public high school and the other to a Roman Catholic high school, how does this break out for the ratepayer? Does he pay part of the assessment to the separate system and part to the public system? That is quite likely to happen with free access.

Mr. Clifford: There is no provision for the split of assessment. A person qualified or eligible to be a separate school supporter has the right to support either system. If the separate school supporter wishes to have a youngster in an elementary grade of the separate school system and a youngster in a secondary grade of the public school system, there can be a request to that Roman Catholic school board to purchase service and to have that youngster be in the public school under an open-access condition, but the assessment would stay with the separate school board.

Mr. Baetz: I am talking about secondary schools, where you have two children and one goes to the public school and one goes to the separate school.

Mr. Clifford: If it is a Roman Catholic we are talking about, they could choose to support either system. They could, if they wished, have one child to go to one system, that would be the system they are supporting, and they could request that board to purchase the services of the other board.

Mr. Baetz: They purchase the service. I see.

Mr. Clifford: There is no provision in here for split taxes at all.

Mr. Davis: Was Mr. Baetz suggesting that one of the parents was Roman Catholic and one was not?

Mr. Baetz: No.

Mr. Clifford: That is not what I understood.

Mr. Davis: Do they have an option of splitting their taxes?

Mr. Clifford: No.

Mr. Davis: There is no option to split taxes. What you are saying then is that once whoever in the family makes that determination, the taxes either go to the public or the separate board. But Roman Catholics, during the schooling of their youngsters, may change from one system to the other whenever they wish.

Mr. Clifford: According to the times at which you may do that; there are certain times of the year when you may indicate you wish to change your assessment and it takes place at a certain time of the year. Yes, they do have that right. The question that was asked was whether under an open-access type of system you could have youngsters in either system but your assessment would not be going to two systems.

Mr. Davis: It would be a transfer of payments.

Mr. Clifford: Yes.

Mr. Reycraft: Just so it is clear—

Mr. Chairman: I thought it was nice and clear.

Mr. Reycraft: The transfer of assessment can take place effective January 1 of any calendar year provided the request to change is made by a date earlier than that.

Mr. Clifford: September 30.

Mr. Davis: Could I just ask a quick question?

Mr. Chairman: That is the danger with extra qualification, Mr. Reycraft.

Mr. Reycraft: I did not want any more.

Mr. Davis: The Catholic community would be aware, would it not, that they still retain that right to move their taxes back and forth? It has always been a right. It is not in any way diminished or intervened upon because of Bill 30.

Mr. Clifford: Exactly.

Mr. Chairman: With regard to subsection 136j(1), all those in favour? Carried.

Subsection 136j(2) reads: "The exemption under subsection 1 commences in respect of the year following the year in which the election of the Roman Catholic school board becomes effective under section 136b."

Is that understood? All those in favour please indicate. Those opposed? Carried.

Subsection 136j(3): "subsections 1 and 2 apply on and after the first day of January in the year next following the year in which this section comes into force."

All those in favour please indicate. Those opposed? Carried.

Section 136j is carried.

Mr. Jackson: I see there are substantive amendments being proposed by the New Democratic Party and it is not likely we will get into section 136l today. It is my hope that we would deal with that entire section on a given day and not fragment it.

Mr. Chairman: Not if we want to finish it before the end of the day.

Mr. Jackson: Rather than get involved with this section with about 11 minutes left, we might move the adjournment.

Mr. Chairman: Those are two new sections the NDP are talking about. They are sections 136ka and 136kb. We could deal with section 136k and see how that goes and then, as you say, when we get to those long, substantial, new subsections to be introduced, we would perhaps

wait until tomorrow. Let us see whether we can deal with section 136k. If it is easy—

Mr. Jackson: Who would be joining you tomorrow, Mr. Chairman?

Mr. Chairman: I will probably be alone here as usual. I have noticed that recently. I am about the only one who seems to be here on Fridays, but that is another matter. It will be next Tuesday.

Mr. Jackson moves the adjournment of the committee.

Mr. Davis: Could I say a few words?

6:20 p.m.

Mr. Chairman: No, there is no debate on a motion to adjourn, unfortunately.

Motion negatived.

Mr. Chairman: Moving to section 136k, subsection 136k(1) reads, "The provisions of this part that apply to the preparation and adoption of estimates and the levying and collection of rates or taxes for separate school purposes apply with necessary modifications for secondary school purposes in respect of a Roman Catholic school board."

I have no amendment in front of me.

Mr. Davis: On a point of clarification, what does "necessary modifications" mean? Is there some mechanism they have to put in place?

Mr. Chairman: Do you understand the question, Mr. Reycraft or Mr. Kirkwood? What are the necessary modifications? What might they be? We are being asked on subsection 136k(1) what are examples of necessary modifications that might apply as indicated under that subsection?

Mr. Reycraft: I am not clear on what is meant by necessary modifications.

Mr. Chairman: Let me ask Mr. Kirkwood.

Mr. Kirkwood: The necessary modifications are to account for the extension of the board so the public secondary taxes, rates and so forth are going over to the separate board. In the old version of the act that was the mutatis mutandis clause.

Mr. Chairman: Could you say that in other words?

Mr. Davis: Yes. Give us an example of the kinds of modifications you are talking about.

Mr. Kirkwood: I thought I just did. If you are talking about the person with separate school rates going to the separate board, then you have to read those portions of the act that talk about separate school rates in terms of Roman Catholic separate school boards as applying to Roman

Catholic school boards because they have extended.

Mr. Chairman: All right?

Is there any further discussion on subsection 136k(1)? Seeing none, all those in favour of subsection 136k(1)? All those opposed? Carried.

Subsection 136k(2) reads: "Every Roman Catholic school board shall continue to prepare and adopt the estimates required of it for elementary school purposes and must prepare and adopt estimates for secondary school purposes in the same manner as is required of a public board."

There are no amendments to this. All those in favour please indicate? Those opposed please indicate? Carried.

Subsection 136k(3): "Subsections 1 and 2 apply on and after the 1st day of January in the year next following the year in which this section comes into force."

All those in favour please indicate. Those opposed please indicate. Carried.

Section 136k is carried.

Mr. Chairman: There is an amendment by Mr. Allen to section 136ka. I gather what is before us is not exactly what you wish to introduce. Clarify that for us and then we will adjourn. That would be an appropriate way to deal with this. It is being distributed now.

Mr. Allen: Do you want me to read this motion into the record?

Mr. Chairman: I think not. It is quite long.

Mr. Allen: May I just explain why I have withdrawn—

Mr. Chairman: Yes.

Mr. Allen: I am not withdrawing something because I have not yet moved a new section 136ka. The section 136ka that is being distributed to you now is a revision and amplification of what I would have been moving and which you have in your other documentation. This new section is proposed in order to provide for a joint committee of coterminous boards or a joint committee of two or more boards that might be grouped regionally to accomplish the same objective in order to facilitate the development of co-operative services, co-operative use of facilities, staff and what have you.

I will not explain it further at this point. Members will want to take the replacement—the motion I am making—home to look it over. We will then be better able to discuss it when we resume on Tuesday.

Mr. Chairman: That is understood.

Mr. Davis, you mentioned just briefly that you might want an explanation from the minister on that assessment question.

Mr. Davis: Is it your intention, Minister, to transfer the separate school assessment province-wide all at once?

Hon. Mr. Conway: Hardly. Not at all. It is entirely a matter of the legislation. Only those boards that make an election will see their assessment transferred.

Mr. Davis: Thank you.

Mr. Chairman: It being very close to 6:30 p.m., we will adjourn until Tuesday after orders of the day. Well done, for a first day.

The committee adjourned at 6:26 p.m.

CONTENTS**Thursday, May 15, 1986**

Education Amendment Act , Bill 30, Mr. Conway, adjourned	S-61
Adjournment	S-88

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Baetz, R. C. (Ottawa West PC)
Davis, W. C. (Scarborough Centre PC)
Jackson, C. (Burlington South PC)
Johnston, R. F., Chairman (Scarborough West NDP)
Reville, D., Vice-Chairman (Riverdale NDP)
Reycraft, D. R. (Middlesex L)

Witnesses:**From the Ministry of Education:**

Conway, Hon. S. G., Minister of Education (Renfrew North L)
Clifford, J. F., Executive Director, Education Services Division
Kirkwood, W. T., Education Officer, Legislation Branch



No. S-4

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Tuesday, May 20, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, May 20, 1986

The committee met at 3:50 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, An Act to amend the Education Act.

On section 2:

Mr. Chairman: When we left off last Thursday, we had just completed the vote on section 136k, and Mr. Allen was telling us he was about to introduce a long new section entitled 136ka.

Mr. Davis: On a point of clarification, we have an amendment to that section.

Mr. Chairman: Just the one page?

Mr. Davis: Just the one page.

Mr. Chairman: I was not anticipating that. Your motion is in order first and then Mr. Allen's motion. This is now going to be section 136ka. If you wish to move yours, you would move it as an amendment to Mr. Davis's motion, which is just being circulated. Mr. Reycraft, do you have one too?

Mr. Reycraft: No, but I have a question on the ordering of business. We have stood down section 136d. It was my understanding that we would go back to that section today. Is that your intent?

Mr. Chairman: I am not sure it would be that helpful. Is section 136d the section which includes—

Mr. Reycraft: Board-to-board agreements.

Mr. Chairman: We could go back to that one, if you like. I was thinking that we should leave the other one open, which we left open in the definition section, until we have gone much further so that we know if there are any further sections to be amended later. What is your pleasure? Would you like us to go back to that now or later on?

Mr. Reycraft: We are quite prepared to proceed on section 136d, if there is no strong objection to doing so.

Mr. Chairman: Shall we do that? Then we will go to section 136ka.

Mr. Davis: We are prepared to entertain hearing more discussion on that issue.

Mr. Chairman: We are moving now to section 136d. Does that mean you have something to move, Mr. Reycraft?

Mr. Reycraft: No.

Mr. Chairman: As I recall, we had taken the vote on Mr. Davis's subsection 136d(1)—or had we withdrawn that but left subsection 2 until we had this discussion? Is this correct? Yes.

Mr. Davis: I would like to hear what Mr. Reycraft understood happened on Thursday. I have an idea what happened and I would like to hear what he has to say.

Mr. Reycraft: I had moved that section 136d be amended by replacing it with a new 136d that had two subsections.

Mr. Chairman: That is correct, and there was a further amendment to that, as I recall, by Mr. Davis—

Mr. Reycraft: By Mr. Davis, that is right.

Mr. Chairman: —which is also in two parts. Then, however, he agreed that his subsection 136d(1) was covered by yours. There was no need to maintain it, as I recall. He was not sure what would be done on subsection 2, and therefore that was not withdrawn. I do not have it as defeated.

Mr. Davis: No, it was not defeated.

Mr. Chairman: It was withdrawn, so what we essentially have at this point on the table is your amendment, Mr. Davis, subsection 136d(2). This is the actual cost.

Mr. Davis: That is right. According to regulations, we put in the actual cost incurred by the board providing the instruction.

Mr. Chairman: I cannot remember why we stood it down.

Mr. Davis: I remember, but I would like to see—

Mr. Chairman: Was it that the committee wanted clarification on whether that is what this means?

Mr. Reycraft: I indicated at the time I was not prepared to respond to specific and detailed questions related to the way fees are determined now and to what is proposed by our amendment. I also indicated the ministry would make someone available to the committee today to

respond to those kind of detailed questions, if the committee so desired.

Mr. Davis: I understood it was stood down because the government spokesman felt the government wanted to know the kinds of costs that would be incurred. I also understood that this afternoon officials in attendance from the ministry business section would comment and answer questions. That was my understanding and that was what we were prepared for this afternoon.

Mr. Chairman: Do we have the appropriate ministry people here? Why do we not call them forward.

Mr. Reycraft: We are still quite prepared to have Mr. Burtnyk respond to questions about the whole process. However, as far as preparing some kind of estimation of the cost implications of Mr. Davis's amendment is concerned, I am not sure we are prepared to address that or whether we would be able to.

Mr. Chairman: Obviously, the ministry official will do what he feels he can do. Mr. Burtnyk, you can tell us the political limitations.

We will now reopen the section so all things will flow as they should. Mr. Burtnyk, would you like to make a statement or are you mostly going to answer questions?

Mr. Burtnyk: I do not have a statement.

Mr. Chairman: You have no statement? This is your moment in the sun. Mr. Davis, do you have a question?

Mr. Davis: It was my understanding the government asked for the section to be stood down because it was concerned about the actual costs involved. We should begin this section with the government indicating to us its concern about the cost factors.

Mr. Chairman: Would you like to ask the witness whether you think he—

Mr. Davis: I was quite prepared to support this amendment. It was the government that made that initial statement. I would like to hear its concern about the cost factors. Those factors were not discussed. The statement to please step it down was just boldly made. We are prepared to hear what the government has to say and to find out exactly what he did say.

Mr. Reycraft: One of our concerns about Mr. Davis's amendment is the degree of difficulty that is going to be presented in determining the actual costs. The cost of providing an education for a particular student in a particular program will vary from year to year according to a rather long list of factors.

The proposed amendment would allow for fees to be paid between the boards: public to public, public to separate and separate to public. The fees would be calculated in accordance with regulations published by the ministry. Those fees would be equal to the average cost of educating a pupil in the board that is providing that education.

There are provisions within the procedure that allow high-cost factors to be negotiated. Those provisions have the effect of increasing the fees for students who are in particular programs, such as special education or technical programs, or for students identified as being trainable retarded and so on. It is our feeling that is still the best way to proceed on this matter, rather than establishing an actual cost basis.

4 p.m.

Mr. Chairman: We could have this debate any time you want. We are having it now, but we also have somebody here if you want to ask questions.

Mr. Davis: Yes, Mr. Chairman, we do. I point out to the government and to the minister, who is not here, that a major concern was expressed constantly throughout the hearings and reaffirmed on Thursday by the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario spokesman. A separate board in the delivery of secondary education in this province is only required to make sure it meets the requirements of the Ontario Schools, Intermediate and Senior Divisions document and allows a student to graduate.

When one looks at those compulsory 16 credits and what else is required to make up the 32 credits, one finds it is either a business or technical credit. If you recall, I posed the question to Mr. Clifford: "Does that mean a separate secondary school does not have to provide a technical program?" He responded, "That is correct." Therefore, that statement reconfirmed the fear expressed across this province by public boards that the separate boards would purchase from them what they call high-cost programs. In accordance with the regulation grants, it did not cover the cost of those programs.

In effect, the public board would subsidize at public board expense the delivery of technical, vocational and, in some cases, special education. Those costs vary from board to board. We could get to that question in a moment. If the government seems to be willing to leave everything else to local negotiations, why not the cost

of providing educational services in technical programs? I would like to ask the ministry official whether he has any data by which he determines the actual costs of a technical program in a machine shop?

Mr. Burtnyk: Under our current fee regulation, the school boards charge a high-cost factor for that type of student. They establish the additional program fee.

Mr. Davis: What would the high-cost factor be?

Mr. Burtnyk: The school boards will establish that.

Mr. Davis: Does the ministry have a ceiling saying, "We will pay no more for machine shop programs?"

Mr. Burtnyk: No, the school boards establish that factor.

Mr. Davis: What does it cost to deliver a grade 11 machine shop program to one student?

Mr. Burtnyk: The provincial average is probably about 50 per cent more than for academic-type instruction.

Mr. Davis: Can you give me a figure?

Mr. Burtnyk: It would probably cost about \$6,500 a student. The average instructional costs are about \$4,800 a student.

Mr. Davis: Hypothetically, let us say a youngster decides in grade 10 or grade 11 to take an English, a math, a social science, a history and two shops. What does it cost for that program for that student?

Mr. Burtnyk: I do not know exactly, but it would probably be about 50 per cent higher for those two shop courses.

Mr. Davis: Have you any idea what it would cost?

Mr. Burtnyk: It would be about \$4,800 a student for the academic-type program and about \$6,500 a student for the shop portion. For that student, it would probably be about \$5,300, I would say.

Mr. Davis: It would be \$5,300 for that student to take all those courses.

Mr. Burtnyk: For that student, yes,

Mr. Davis: Can you explain to me perhaps—I know you did more at the hearings—why the public boards were so concerned that the legislative process that is now in place for them to charge and receive payment for services rendered would not meet the costs, in their opinion, of those programs they were delivering to the separate school boards?

Mr. Burtnyk: I do not know the answer to that question. With the current provisions, a student has to take at least two credits in the shop area to charge the additional factor. If he was taking a single credit in the shop area, they could not charge the additional factor. That could be the issue. They can change that too, so that the board can charge the additional factor for a single shop course.

Mr. Davis: How can they change that?

Mr. Burtnyk: In the fee regulation.

Mr. Davis: Could you hazard an educated guess of what it costs to educate, or is there a difference in educating a student who is a general level student, a student who is an academic student and a student who is a vocational-technical student? Are the three levels funded the same or differently?

Mr. Burtnyk: What levels? I think the three levels are general, basic and shop?

Mr. Davis: General, basic and shop. There is an academic level as well, but that will do.

Does it cost the same to send a general level student to a secondary school as it does to send a student doing a basic level?

Mr. Burtnyk: The average in the province is probably that is costs more for the basic level student than the other.

Mr. Davis: Can we conclude from that that it would cost more to educate a student who is enrolled in a vocational and technical program than an academic program?

Mr. Burtnyk: Yes.

Mr. Davis: Would you then say that the legislative grants that are given to the public boards, when they are selling a service or another board is purchasing a service in the vocational and technical programs, meet the actual costs that are incurred by the public board in delivering those services to those students?

Mr. Burtnyk: They receive additional grants for shop courses.

Mr. Davis: Let me ask it again.

Do the grants meet the actual costs that the individual board incurs in providing for those students a technical or vocational program.

4:10 p.m.

Mr. Burtnyk: We know the boards are spending above the grant ceiling. The answer to that is they do not meet the full cost to the board.

Mr. Davis: Have you any idea, or can you speculate, how much above the grant level that the grants do not meet the expense?

Mr. Burtnyk: The average?

Mr. Davis: The average will do.

Mr. Burtnyk: It is about \$800.

Mr. Davis: When you use average, would you explain for me what you mean by average.

Mr. Burtnyk: In Metro Toronto it is about \$1,800, and in a few other boards it is a lot less. The average in the province is about \$800 above the ceiling.

Mr. Davis: Is the cost factor to a small community in the delivery of a technical or vocational program more expensive than in other jurisdictions of the province?

Mr. Burtnyk: Yes, it could be.

Mr. Davis: What I understand you to say is that the granting formula that is used does not meet the actual costs of the education of a student who is taking a program in technical studies or a vocational program. The average difference across the province is approximately \$800.

Mr. Burtnyk: That is true, but it does not meet the expenditures of the boards for the other programs either. The boards are spending above the grant ceilings for all pupils.

Mr. Davis: We have all agreed that the grant ceilings are not particularly appropriate.

Mr. Burtnyk: Perhaps.

Mr. Davis: The Liberals said they were going to do something about it and have not, but that is beside the point. The point is that, at present—

Mr. Chairman: What is the point? I knew you were coming to it.

Mr. Davis: The point is very distinct. The public boards tell us it will cost them money taken from the taxpayer to educate the separate school student within their system in the high-cost programs, those being technical and vocational programs, and in some cases, special education. We will come to that one in a minute. If you only use the average of \$800, and there is a transfer of several thousand students to take those technical programs, the public boards in this province are subsidizing the separate boards by a tremendous amount of money.

Mr. Burtnyk: No, because the grants are short to that amount, that is true. The fee that the separate board is going to be paying to the public board is going to be the full cost of the program, at the average expenditure of the educating board. That is the fee, so it will be getting the full cost of the program, plus, if it is a high-cost program such as shop courses, it can get an additional fee on top of it. That is why it is an appropriate route to take in this instance.

Mr. Davis: You indicated to me there is an \$800 difference.

Mr. Burtnyk: That is with regard to grants to school board expenditure. The fee, though, from a school board to a school board is equal to the educating board's total expenditure per pupil. It is the actual expenditure of the board in that sense.

Mr. Davis: Are you telling me if a program costs a public board \$9,000 to deliver that it can charge the separate board \$9,000?

Mr. Burtnyk: If it is a high-cost program, yes.

Mr. Davis: Will the separate board pay?

Mr. Burtnyk: Yes.

Mr. Davis: Will it get the grants from you?

Mr. Burtnyk: Yes, it will get a grant for that fee.

Mr. Davis: For \$9,000?

Mr. Burtnyk: It will not get it in full, but a shortfall, a share of it.

Mr. Davis: It will pick up the difference from somewhere in its system.

Mr. Burtnyk: Yes.

Mr. Davis: Must a separate board deliver all special education programs under Bill 82?

Mr. Burtnyk: As far as I understand.

Mr. Davis: Can it purchase those programs as an option?

Mr. Burtnyk: Yes.

Mr. Davis: For example, it could purchase a deaf self-contained program for \$12,000 from a public board and it would pay the public board the \$12,000.

Mr. Burtnyk: That is correct.

Mr. Chairman: Or vice versa. The public board could do the same from a separate Roman Catholic board.

Mr. Davis: I will pass for a minute. Some of my colleagues may want to ask a question.

Mr. Chairman: Do you have any questions?

Mr. Reycraft: Not for Mr. Burtnyk. I gather there are still—

Mr. Chairman: But there is still a question, Mr. Reycraft?

Mr. Reycraft: If you would like to answer it, that would be fine. We are still dealing with Mr. Davis's amendment.

I would like to hear him expand a bit on how actual costs would be determined, because I am still convinced that there are some enormous difficulties presented by establishing that kind of

basis for determining fees. Would it be on a program basis or on a student basis? Would it vary from year to year, or from term to term?

Mr. Davis: If I could respond—

Mr. Chairman: Yes, I suppose.

Mr. Davis: —and I also have another question. It seems to me that the mechanism one would use for payment would be on a program basis. That ties in very effectively with the Commission on the Financing of Elementary and Secondary Education, which recommends that education be funded on a program basis. I believe that is a very good idea.

I am not the economic expert. I am raising concerns that were being raised, and I am still not satisfied that the answer is the correct one. I do not understand all the grant processes. I do understand that public board after public board came before this committee and expressed great concern over this area. I was trying to get a better handle on this, and I will make a recommendation in a few moments on something else.

Mr. Chairman: I would like to suggest, if I can, that while we have Mr. Burtnyk here we focus on asking questions of him. Then we can proceed with our debate on the subsections, if that is all right, so that we use this time most efficiently.

Mr. Reycraft, do you have anything for him?

Mr. Reycraft: I wonder if Mr. Burtnyk would comment on how practical and workable a proposal to establish the fees on an actual cost basis would be.

Mr. Burtnyk: If it were on a per-student basis, there are 100,000 students who are expected to have some sort of transfer of fee. If you are to establish that for each student, I believe it would be a huge and difficult job. If you include the individual salaries of the staff and those sorts of things, that is very hard to establish. It is an involved calculation, and you do not even know, in the end, if you are right.

Mr. Davis: Costs such as teachers' salaries, capital depreciation of equipment and so forth are not included in those calculations.

Mr. Burtnyk: The fee is equal to the expenditure per pupil of the educating board, and includes the total expenditure of that board for salaries, for the whole bit.

Mr. Davis: You are saying the public boards already receive full cost, that the full actual costs are now under the regulations. Am I correct in assuming that?

Mr. Burtnyk: That is correct.

Mr. Davis: If that is true, Mr. Chairman, why is the government having such difficulty including that in the legislation?

Mr. Chairman: Finally, a question for me. I am so delighted, but I am not going to answer on behalf of the government. You are hearing part of the debate as to whether it is better done in that way or better done as they are indicating, but I cannot help you any more than that.

Mr. Davis: I would like them to resolve the question.

Mr. Chairman: Of course, they will have to.

Mr. Reycraft: I have indicated that I think it is impossible to do that and to do it accurately. What you will do is throw boards of education across the province into dispute after dispute over the actual costs.

You talked about including teachers, for example. You are going to have to deal with situations where teachers are teaching in more than one program, and you have to identify those salaries and allocate them accordingly. The problems are enormous.

4:20 p.m.

Mr. Chairman: The debate essentially comes down to one of how you are doing it, the regulations with local boards doing it, or through the means of—

Mr. Davis: I want to express my appreciation to the official for being here in an attempt to answer the questions. I assume that, being such a fair and just person, you would allow us the opportunity to ask the business officials of the public boards to come here and respond as to why it was in their brief as their concern in order for us to have a better understanding—

Mr. Reville: On a point of order.

Mr. Chairman: I will let him finish his statement before I take your point of order.

Mr. Davis: I will make that a motion.

Mr. Chairman: You will have to, because at the moment there has been a decision that there should be no standing. I do not know how many times you are going to have to have a vote on that, but I will leave that up to you.

Mr. Davis: Just for information; at least stand it down until we contact them for that information. We tried to get them in, but the person we were after was out of town.

Mr. Chairman: I am sorry. You are moving which?

Mr. Davis: First, I want to move that—

Clerk of the Committee: You have a motion on the floor.

Mr. Chairman: That is correct. I do have a procedural motion. I guess that is in order.

Mr. Davis moves that the matter be stood down until Thursday afternoon and that the committee ask business officials of one or two of the public boards to come forward to clarify certain questions similar to those asked of the minister. It is our feeling that somewhere there is a discrepancy.

The motion, if I can get it clear so we can debate it—

Mr. Davis: To come and answer a few questions.

Mr. Chairman: Yes. You would like to stand this down until Thursday when we have representatives of public boards here to speak to us.

Mr. Davis: Their business officials.

Mr. Chairman: Whomever they deem appropriate, I presume.

That is the motion procedurally: that this be stood down until Thursday when we invite the public boards to bring representatives to explain their concerns to us again.

Mr. Reycraft: May I have a moment?

Mr. Chairman: Certainly.

Mr. Jackson: May I ask a question?

Mr. Chairman: Is it on this, Mr. Jackson?

Mr. Jackson: No, it is of our guest panellist.

Mr. Chairman: Sure. Let me just get this procedural motion out of the way, one way or the other, and then he is still open to questions.

Is the motion understood? All those in favour of the motion, please indicate. Down. Those opposed? It is defeated five to four.

Motion negated.

Mr. Chairman: You still have the floor.

Mr. Davis: What I would like, if Mr. Jackson has a question to ask, is to propose another favour after he is finished with the question.

Mr. Jackson: My question to the ministry has to do with this whole issue of the differential between the actual costs and grant costs. Are there any thought processes currently going on within the ministry?

My second question has to do with whether there would be some form of remuneration to those boards in targeted high-cost program areas to compensate the supplying board.

Mr. Burtnyk: The fee does that, because the fee is equal to the expenditure of that board for that high-cost program.

Mr. Jackson: In all cases.

Mr. Burtnyk: It should.

Mr. Jackson: It should but it does not.

Mr. Burtnyk: The two boards agree on that fee. They establish the fee.

Mr. Jackson: What happens if this fee is in dispute? Are the students caught in the middle? What processes exist to clear up that log jam? I can foresee a case where a board says, "We need so many placements in that program." The coterminous board says: "That will cost us this. Take it or leave it."

Mr. Burtnyk: Then they do not purchase.

Mr. Jackson: Are we then to assume the program is unavailable to those students because of the board's inability to agree on the fee?

Mr. Burtnyk: I guess that would be the answer to that.

Mr. Jackson: Have there been any examples in the first or second year plans where such a conflict has existed? If you are not sure of that answer, is it possible to determine from the planning and implementation commission or through your ministry the degree to which that conflict has arisen?

Mr. Burtnyk: Right now the two school boards cannot purchase. They can start to purchase for secondary schools through the bill.

Mr. Jackson: A separate board can now purchase from another separate board, and a public board can purchase from another public board. So this subject amendment only allows a cross panel, if I can use the current definition. We are dealing with a program guaranteed for students. Let us forget the fight over fees. There is nothing in the legislation ensuring that the program in itself will not become a battleground between the two boards.

Mr. Chairman: Let us be clear on what we are talking about. It is just this one section at the moment. What you do with the rest of the act is up to you. But in terms of this exchange, confine it to this one section.

Mr. Jackson: I assume the deputant is fully conversant with the bill. My question is nowhere in the government's amendments. Is there anything to overcome the potential for that problem?

Mr. Burtnyk: As far as I know that is true. This other version has no impact on that problem.

Mr. Jackson: I am sorry?

Mr. Burtnyk: The use of the actual expenditure for that student would not change the problem you have raised.

Mr. Jackson: Why not?

Mr. Burtnyk: Because they would still have to agree upon the purchase.

Mr. Jackson: Can you offer any suggestions as to who might resolve a dispute of that nature?

Mr. Burtnyk: No.

Mr. Jackson: I assume it would be too difficult to burden the minister with, yet the planning and implementation commission, according to the revisions or amendments to the original bill, seems to be moving from its role in that area.

Perhaps a recapping of the dispute resolution mechanism, as it will be presented by the government, might be in order. Perhaps Mr. Reycraft could assist us by telling us how the dispute mechanism works and whether this specific item might qualify.

Mr. Reycraft: I am sorry, I did not hear the first part of your question.

Mr. Jackson: How does the bill read in terms of a dispute resolution? How will it read on the situation where two boards are in disagreement over their actual costs and their willingness to pay that set fee for high-cost programs?

Who would resolve that? We have asked before if it ever existed. I was told it could not have existed before and now will be allowed to, so we are in new territory. Who would step in to ensure that a student got the program and prevent the school board from saying, "It will cost you extra per student to provide that expensive auto shop, or whatever."

Mr. Reycraft: I am not certain I can give a complete answer to Mr. Jackson's question. Perhaps one of the ministry officials can help me out.

Mr. Chairman: Mr. Kirkwood is studying the act.

Mr. Kirkwood: The government's proposed amendment to subsection 136v deals with the opportunity for a planning and implementation commission to get the boards together in order to come to some resolution.

Mr. Jackson: You have identified it. Can you tell me briefly how it works? I do not want to take up too much time.

Mr. Kirkwood: The bottom three lines: "The commission shall notify the board—

4:30 p.m.

Mr. Chairman: What page is that?

Mr. Kirkwood: This is section 136v, and the motion is to amend subsection 1. The last three lines of that subsection read, "the commission

shall so notify the boards and shall specify for them the matters that must be resolved in order to meet the criteria." Then you keep in mind that the general legislative grant going to the boards is dependent on compliance with sections 136a to 136y.

Mr. Jackson: Are we then to assume that if two school boards cannot agree on an auto shop program, they could hold up their entire implementation plan on the costs for an auto shop?

Mr. Chairman: I presume that is theoretically possible.

Mr. Jackson: No, I am asking if it is possible the way the bill is written. I think that is a fair question.

Mr. Chairman: I am saying that it is theoretically possible. Whether or not the commission would decide to do that is another matter, but it has a fair amount of leverage. One of the things might be to say that it would do that in order to get full compliance in terms of accessibility; it would be possible. I think that is what we are hearing.

Mr. Davis: I wonder if the ministry official can answer this question. Is he certain that the minister and the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario have not approved any purchases between public and separate boards?

Mr. Chairman: Mr. Clifford might be in a better position to answer that.

Mr. Clifford: My answer simply would be that we would have to go and check. I would not like to conjecture on what has or has not been done, but we will take your question and ask the planning and implementation commission.

Mr. Chairman: Consider it taken under advisement.

Mr. Davis: To the ministry official, I am still trying to get this understood. Is the only mechanism that you use to determine the cost of a technical program to add 50 per cent to the total cost?

Mr. Burtnyk: No.

Mr. Davis: Could you walk me through how you decide what a program would cost?

Mr. Burtnyk: We do not establish the fee for the high-cost programs. The school boards establish that fee. They determine the fee.

The answer that I gave you had to do with the average across the province for a shop program versus the ordinary program. That is the average

additional cost experience across the province for those programs.

Mr. Davis: The reason we keep pursuing this is not only did we hear this, but in the Ontario Public School Trustees' Association final submission on May 8 to this committee in respect of the government's amendment in section 136d, that the fees for the provision of instruction shall be "calculated in accordance with the regulations, the OPSTA response was that the fees calculated in accordance with the regulations must be sufficient to cover the full cost of programming such as technical, vocational and special education programming.

I do not know whether you can do this, Mr. Chairman, but I would like some advice. I am asking why they would put that in there if the information we have heard today indicates that the full costs of the program are covered? It seems to me that the full costs are not covered. What I heard the official say was that, in his understanding, the full costs were covered under the present system.

We suggested incorporating that since it is already being done. The government said, "No, we do not want to do that." It seems to me there is some rationale where the government does not want to include the actual costs of that program. I am having a lot of difficulty with this.

Mr. Chairman: I am gathering that.

Mr. Davis: It seems to me that we would like some more rationale as to why the actual cost is creating so much difficulty for the government.

Mr. Chairman: I am not sure if we are getting more additional help or not. Mr. Reycraft has been plugging away there for 50 minutes now.

Mr. Davis: If he does not wish to answer that, I have another motion.

Mr. Reycraft: I have two comments. First of all, the quote Mr. Davis read from the submission by the trustees' association indicated some concern about the adequacy of the fees established by the regulations. It did not indicate that those fees should be established by some means other than by regulation. If he looks back over it, I am sure he will see that.

The other point I wish to make is that if Mr. Davis's amendment which is now before us is adopted, we would then have two different systems being used in the province to establish the fees that a public board would charge nonresident students. A board would have one way of establishing those fees for students who are residents of a separate school board and another system, the one that is in place at present,

for establishing the fees for nonresident students of another public board, thus adding to the confusion.

Mr. Jackson: You would not do that.

Mr. Reycraft: Not me. It is Mr. Davis's amendment.

Mr. Baetz: I have not yet been persuaded that it is not possible to break out and determine something that is fairly close to actual costs. It is done in many other sectors of human activity and organization, for heaven's sake. Accountants can identify some of the basic costs, such as the capital costs or the professional costs. They may not be able to come down with a precise, hair-splitting precision, but the formula is at least there for all to see. Somebody has made a systematic effort at setting the fee, which is related as closely as is humanly possible to the actual cost.

If you do not follow this kind of discipline, then on what do you base your fee? Do you say it is on some mystical something out there? If you cannot be as precise as is humanly possible in identifying and determining that fee, then surely this is going to encourage and lead to a great deal of debate and argument between the two boards. There is almost no meeting place. I can see where a public board could say, "Our cost or our fee is thus and so," and I can see a separate board saying: "No, we think it is rather too high. How did you get to this?"

Ultimately, somebody will have to go through a pretty disciplined exercise to do it. I cannot believe this is not done. It is done in accounting. If you hire an accountant, you get a bill. The fee is based on the person's time, on his or her background and on the whole infrastructure that goes into it. It is done all the time. I cannot help but think we are not being very helpful to the two boards in being so vague about this.

When you say it is going to be dealt with by the regulations, I do not know which regulations: the regulations we will be seeing much later in this legislation or after the legislation, or the regulations that are in place now that govern these interboard fees?

I encourage Mr. Reycraft or anybody else here to try a little harder to persuade me that you cannot determine actual costs with as much precision as is humanly possible.

Mr. Chairman: There are two points of view here. I am not sure we are getting any further in the debate at the moment. Are there further questions for the witness?

Mr. Reville: I have a question for Mr. Davis. Does he have a motion to move?

Mr. Davis: Yes, I do.

Mr. Chairman: There is a motion on the floor at the moment.

Mr. Reville: Which motion do you have on the floor?

Mr. Chairman: I have a motion to amend subsection 136d(2) to read, "The fees for the provision of such instruction shall be calculated in accordance with the actual costs of such instruction as incurred by the board providing the instruction."

Mr. Davis: I have another motion.

Mr. Chairman: Do you wish to withdraw this motion?

Mr. Davis: No. I want to ask you about this one. I seek your advice.

Mr. Chairman: I can deal with only one at a time.

4:40 p.m.

Mr. Davis: I would like to know what process we would use if we were to ask our colleagues to set this particular section down until Thursday. As I indicated to you, we tried to get hold of the business officials to be a little clearer, but because it was the holiday weekend they all disappeared. We phoned this morning and were not able to get the individuals we were after. Perhaps we could look at the difference in cost on Thursday morning, if that is appropriate.

Mr. Chairman: The two-sided motion of standing it down and calling forth those individuals has already been defeated. That message has been loud and clear at this point.

Mr. Davis: I understood that what was defeated was calling the witness.

Mr. Chairman: No. There was a motion that had both parts to it, standing it down until Thursday and having those people here. That is what was defeated.

Mr. Reville: Call the question.

Mr. Chairman: On what?

Mr. Reville: On Mr. Davis's amendment, which is what is on the floor.

Mr. Davis: I would like time to get another person here.

Mr. Chairman: Sure.

Mr. Davis: How long do I have?

Mr. Chairman: You have up to 20 minutes.

Mr. Davis: Thank you.

Mr. Chairman: We will have a recess until 5 p.m. and restart promptly at five.

The committee recessed at 4:41 p.m.

4:58 p.m.

Mr. Chairman: I call the meeting to order. The members are all in the room. The vote is on Mr. Davis's amendment to subsection 136d(2).

Mr. Davis: Can I respond to you?

Mr. Chairman: No.

Mr. Davis: Why not?

Mr. Chairman: Respond to what?

Mr. Davis: To the motion.

Mr. Chairman: No, the vote has been called. That is why you had 20 minutes to bring in your members. The vote is on Mr. Davis's motion. All those in favour of Mr. Davis's motion, please indicate.

Mr. Davis: We would like a recorded vote.

Mr. Chairman: You are supposed to ask for that before I call it.

Mr. Davis: I am sorry, Mr. Chairman. I forgot. I apologize.

Mr. Chairman: We will have a recorded vote.

The committee divided on Mr. Davis's motion, which was negated on the following vote:

Ayes

Andrewes, Baetz, Davis, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Ayes 4; nays 6.

Mr. Chairman: The motion before us is on subsections 136d(1) and (2), as moved by Mr. Reycraft.

Mr. Davis: It is our understanding as we deal with this amendment, which we will not support, that the public school boards have an opportunity to receive the costs of the program which are determined by regulations, but the difference is whatever is less. The regulation cost factor, the formula used, is less than the actual cost the public board decides is the cost of the program.

Mr. Allen: On a point of order, Mr. Chairman: Are we going to discuss this both before and after the motion?

Mr. Davis: Yes, you are.

Mr. Allen: I do not think we can get into that or we will be here for months.

Mr. Chairman: We are on a motion separate to the one we were on before.

Mr. Allen: Is that a separate motion? Where is it?

Mr. Chairman: We are now discussing Mr. Reycraft's motion. We were previously discussing Mr. Davis's motion.

Mr. Allen: I am sorry. Excuse me.

Mr. Chairman: This is the way it works. Sometimes it is slow.

Mr. Allen: No problem.

Mr. Davis: What can happen is that the formula established by the regulations can be less than the actual cost that the board determines for that program. One of the other problems we have with this motion is that it places the decision-making process of the cost of the programs within regulations.

Regulations can be changed by the minister without coming into the legislation committee to be discussed or changed. Therefore, there is always the possibility those regulations could be changed and the cost of the programs could be lower, or they can be unchanged and the cost of the programs could increase because of other factors, such as inflation and new placements of equipment. In those cases, the public boards will be penalized with respect to picking up the additional costs.

We have already found it possible throughout the province that in some of the boards the delivery of some of the high-cost programs is a difference of \$800, which the public boards could conceivably be responsible for picking up. We believe that if the actual costs are not incorporated into the government amendment, the public boards will subsidize some of the high-cost programs in the separate schools' secondary programs. We believe that is neither fair nor just to the public taxpayers.

Mr. Chairman: Comments? If not, all those in favour of subsections 136d(1) and (2), as moved by Mr. Reycraft—a recorded vote—please indicate.

The committee divided on Mr. Reycraft's motion which was agreed to on the following vote:

Ayes

Allen, Epp, Miller, G. I., Offer, Reycraft, Reville.

Nays

Andrewes, Baetz, Davis, Jackson.

Ayes 6; nays 4.

Mr. Chairman: We will move on to new section 136ka moved by Mr. Davis.

Mr. Davis moves that the following new section 136ka be added to section 2 of the bill with respect to a board of management:

"136ka. In communities where there is a single public secondary school and the Roman Catholic school board elects to perform the duties of a secondary school, the public board and the Roman Catholic school board will,

"(a) share the secondary school and its facilities;

"(b) establish a board of management to make recommendations on all aspects of the sharing of the secondary school and its facilities and composed of,

"(i) the director of education or his/her designate,

"(ii) a trustee from each board,

"(iii) a teacher from each board,

"(iv) a student selected by his/her peers from each board,

"(v) two parents appointed by the two respective boards

"from each of the boards for a three-year term coinciding with that of the trustee; and

"(c) be eligible for special grants for capital costs."

Mr. Chairman: Legal counsel may want to clean up some of the language on this, but we can debate the substance of it. Would you like to speak to your motion?

Mr. Allen: Are you prepared to entertain my motion to substitute the joint-board committee concept? There is a difference in that the present proposal refers to single-school communities, whereas my proposal is more comprehensive. I am in your hands in terms of what is most expeditious.

Mr. Chairman: The two things are not absolutely identical, but I am in your hands. We could consider that you move an amendment to Mr. Davis's motion, which would bring in a shared-board structure of some sort for all boards rather than just for single-school communities. You could make your arguments based on that and Mr. Davis could make his, based on his view of the appropriate subsection.

Why do we not do that? To keep things in order, Mr. Davis will speak to his reasons for putting this in at the moment. If you wish, Mr. Davis, you can do so in the knowledge that, as we left it on Thursday, Mr. Allen was going to move a subsection at this point. Then, Mr. Allen, if you want to move your motion, I will consider it in order. We can have a debate posing one against the other, if that is what you would like.

Mr. Davis: Do you want me to comment on this?

Mr. Chairman: Yes, would you like to speak to your motion?

Mr. Davis: Thank you, Mr. Chairman.

We make this recommendation, because we have great concern for the single-school communities in this province. Last week we considered a positive, fair and just amendment that attempted to deal with the single-school communities across the province in concrete terms, rather than in wistful phrases containing very little meat, in terms that the government seems reticent to define, such as "in the best interests of public education" and "viable secondary panels." When that amendment was defeated and we looked at it again, our concern for the single public secondary schools in this province came before us. We feel this amendment is a fair and just one in the areas where the public boards and Catholic boards will share secondary facilities.

We looked at the New Democratic Party proposition of a board of management and felt that was a restrictive board. Although it allows trustees an opportunity to expand the makeup of that committee, one notes after serving for a number of years as a trustee that is often not the case, even though the option exists. Trustees often jealously guard the responsibilities presented to them through the electoral processes. In some cases—I am not saying in all cases—it is possible they would not expand upon that kind of opportunity.

In addressing the single-school communities, we felt this is a very traumatic issue for them. It is imperative that what I like to classify as the educational family has an opportunity to be part of the discussion of sharing facilities and its implications. We believe the director and his or her designate should be involved, bringing with them the understanding of educational policy and the background that persons of that calibre would have in regard to the two boards joining together.

They know the intricacies of the boards' operation. They understand the problems of sharing far better than some other members of the committee, especially since they can look to the jurisdictions that would share. Because of the constant opportunities for dialogue with other administrators, they are aware of some of the existing pitfalls. We certainly felt it was imperative that the trustee or trustees should be on the board representing their constituents with fairness and justice in regard to the sharing of facilities.

5:10 p.m.

What is imperative for the separate school when it moves into a sharing facility? What accommodations are required? That is one of the things we think the trustees would discuss with

the teachers. The teaching facility would discuss the sharing roles as well, and we can see that having a specific impact when you begin to talk about the sharing of recreational facilities, the gyms, and how you operate the sharing of shops, if that has to be done, and how you timetable programs. We think that would be important.

Then there are the students. It is very interesting that when we debate educational issues, as I believe you pointed out one day this summer, Mr. Chairman, to one of the deputations that came before us, often educators and legislators forget there is a group of people who make a school what it is, and they are called the students. We constantly make decisions for students without their having any input into the decision-making processes.

As members of this committee, we are impressed with the calibre of students who come before us. We believe if we are going to ask for a sharing of a school facility, the students who live in that school, the students who take pride in that institution and the students who have gone before them and have made that school what it is, should at least have a voice in the whole process of what happens to their school.

We also felt it was fair that parents be involved and we selected two parents appointed by their respective boards. We think that will bring a sense of balance. One must always remember that in single-school communities, the school is the centre and the focal point of the community. At all costs we must avoid disruption and turmoil within those communities. We believe it is imperative that parents have an opportunity not only to have input into that committee but also to take part in the decision-making process of the committee and that they represent the parents and the nonparents of the community and can bring and express their concerns.

The term of the board simply coincides with that of trustees, that is, for at least three years.

As we went across this province and listened to a variety of individuals who came before us, when they talked about sharing, there was a strong indication to us, from both the separate school representatives and the public school representatives, that there should be something in the legislation which indicates to them that sharing not only is expected but also is required.

One mechanism we felt would facilitate the sharing process, and probably would remove some of the irritants, is that school boards that decide to share facilities should be eligible for special grants for capital costs. We did not go into great detail in defining that. We are quite

convinced that the ministry officials, in consultation with the Minister of Education and the government, are quite capable of dealing with how those grants should be distributed and what kind of grants they should be. We believe the special grant process is a mechanism that will facilitate the sharing process.

The thrust of our recommendation is community involvement. Very specifically, we try to address sectors of the community that have an interest within the educational system and to provide them with the opportunity to be part and parcel of that group or of that committee, the board of management that decides what happens in the local school, understanding that for many of the single-school communities, that school has been a public school for decades upon decades. Now they are going to be asked to share, to change their focus and to incorporate within them a new entity.

We feel, in fairness and justness to the community and to the school community, it is imperative that every sector of the educational family has an opportunity to take part in the decision-making processes of working through the kinds of recommendations they believe will be imperative, so the sharing progresses and goes along smoothly without any disruption and turmoil. That is why we have made our recommendation.

Mr. Chairman: Mr. Allen, my sense is that we have two packages which do not exactly overlap. Even Mr. Davis has indicated that part of his rationale for bringing forward his motion was not the feeling that your motion, as yet on the table, meets a lot of his concerns. It would therefore make more sense for us to discuss Mr. Davis's motion, vote on it, and then have you move your package if it still holds.

Mr. Allen: Agreed.

Mr. Chairman: If Mr. Davis's package were to pass, it might require yours to be substantially amended, if you wish to bring it forward to deal with other kinds of things that you would like. Let us take the one-at-a-time approach on this, rather than bringing yours in as an attempted amendment to his, which I do not think would be appropriate.

Mr. Davis: I seek your advice, Mr. Chairman. If this particular amendment is defeated in the composition of Mr. Allen's joint committee, would we then be able to reintroduce that kind of composition?

Mr. Chairman: I am in your hands on this. My understanding is that you are bringing this in

because you want this kind of composition. However, the parameters of what you are talking about are not as broad as those of the motion by Mr. Allen.

Mr. Davis: You can defeat that, and we can move on.

Mr. Chairman: We move on to his, understanding that if yours passes, Mr. Allen will have to move something which takes into account the passage of yours. That will also have to be reflected in his amendment—what would apply to boards that are not single-school communities.

Mr. Davis: That is fine. I can understand that.

Mr. Chairman: Any further discussion on Mr. Davis's motion, the new section 136ka?

Mr. Allen: Obviously, with many of the sentiments and comments about sharing and so forth, I am sure all of us agree with it. However, the motion, as it stands, really reopens a matter that we had already decided on when we dealt with the proposed amendments to section 136a introduced by the Conservative critic. Much of this same wording and purpose are there.

The focus of the motion before us reopens the question of viability of public secondary schools in single-secondary-school communities. In an earlier pass at that question, we decided that we were not prepared either to set numbers or to preclude the possibility that in some of those circumstances a Roman Catholic board might legitimately elect to proceed, and that the planning and implementation commission might accord that right, in the face, none the less, of the overriding criteria, the viability of the public secondary school.

Given all that, this simply treads over old ground that we debated last time in the substance of the motion. Therefore, I personally cannot support it.

Mr. Reycraft: A number of the concerns I have with this one are the same as those I expressed when we were talking about section 136a last Thursday.

First, where would this section apply? How would you make sure that its application achieves what you intend it to and that it does not throw up barriers in areas and communities around the province where it need not apply? There are, for instance, large communities with single secondary schools which could conceivably have two very viable secondary schools, one operated by the public board and one by the separate board. There are such municipalities and systems.

What is a community in terms of Mr. Davis's motion? I wonder if I could invite some response to that.

5:20 p.m.

Mr. Davis: I am quite aware of communities where there is a single public school. Glencoe is one, but I dare say Glencoe could not avoid having two secondary schools. I would assume this piece of legislation is for areas such as Glencoe.

Mr. Chairman: This is the Glencoe amendment.

Mr. Davis: This is the Glencoe amendment.

We are trying to address specifically those single-school communities where the viability of the program could be threatened by the creation of another school that would have to be built. I guess it would have to be a public elementary school, since the minister has indicated he is not going to close any public school in a single-school community or allow it to become a separate school.

You either have to build a new one or take over an existing public school. I do not know of any of those communities that have two public schools, unless they are outside the village. That is a possibility. I can think of some, such as the Beeton area, where there are four or five public schools in the area surrounding the village of Beeton. Then it comes to the township; they may be able take over one of those.

We are talking primarily about those boards in which the sharing of facilities is the only option the planning and implementation commission can see. It has indicated in the various guidelines it is using—I do not want to call the guidelines “legislation”—that sharing is one of the mandates in respect of the coterminous board developing in those single-school communities. That is where it applies.

We talk about community. We talk about the community that is defined by the community. Community in some single-school jurisdictions is indeed the town, but mostly it incorporates some of the outlying areas of the town. One would be foolish, Mr. Reycraft, to try to define how far out that community is defined.

I dare say that when you go into Glencoe, people can tell you what their community encompasses. They can tell you Harry Smith out on the sixth line is part of the Glencoe community, but John, who might be on the ninth line, really is part of the community of Tillsonburg.

Mr. Chairman: That would be tough.

Mr. Reycraft: It is a long bus trip.

Mr. Davis: They have built their own sense of the boundaries of their community. They under-

stand those boundaries, and we do not believe that understanding would be very difficult to incorporate. That is why we presented it.

Mr. Baetz: I heard Mr. Reycraft's concerns expressed last week about how one defines a school community. Frankly, I think it is a lot easier than we may think to define a community, and to define it in a very real sense. I can give you definitions in sociology, which I am not going to do, but I will point out that high school communities do, in fact, exist. I will not use Glencoe as an example, but I will use Chesley as an example.

I lived there for four or five years during my high school days. I can assure you, just as my colleague Mr. Davis has already indicated in so far as Glencoe or other communities are concerned, there is a very real, identifiable, tangible high school community there. The school happens to be located in the town of Chesley, but draws on, I believe, Tara to the north and Elmwood to the south.

Mr. Chairman: But not on Paisley.

Mr. Baetz: It includes Sullivan township, Elderslie township and maybe Paisley; I am not sure. Everybody there knows precisely what the Chesley high school district is. As has already been indicated around this table, and as I am sure those of you who were on the receiving end of the briefs heard 1,000 times over, there is an enormous pride among the people there. The school has been there for more than 100 years. There is a long tradition.

If we address ourselves to this question, we should not be turned away or scared by the fact that you cannot identify a high school community. You certainly can. They are alive and well, and there are many of them out there. I think that while there may be some other problems, certainly the concept of community is there.

Mr. Reville: If you do not talk about your French school days, I will not talk about mine.

Mr. Epp: I want to add something.

Mr. Chairman: I was afraid of that, Mr. Epp.

Mr. Epp: Yes, I know. I am glad Mr. Baetz spoke, because he grew up in the Kitchener-Waterloo community, and when he was minister he used to come back and present cheques and so forth.

He used to tell us how much he felt a part of our community. I do not deny him that prerogative, but as a resident of Ottawa, he felt he was still part of our Kitchener-Waterloo community, and that is some distance. It gives you a lot of latitude to determine a community.

Interjection.

Mr. Epp: I am just saying you can get carried away by trying to define community and the latitude with which you want to define it.

Another thing is that people may feel they are part of the community when they want services from it, but when they are paying taxes, maybe they do not want to be; so it is difficult to define that term.

Mr. Chairman: You have a clear idea when you are asked to leave a community, I have found, but that is another matter. Is there any further discussion?

Mr. Davis: I would like to respond a bit more to Mr. Reycraft's question of community. I turn to the NDP amendment 136k(1), which is a little more wide open than ours. It says, "If the area of jurisdiction of a public board—

Mr. Chairman: Which one are you talking about?

Mr. Davis: I will refer to a piece of paper I have in my hand.

Mr. Chairman: Please do.

Mr. Davis: It indicates there may be some discussion over this kind of terminology. It says, "If the area of jurisdiction of a public board is substantially the same as the area of jurisdiction of a Roman Catholic school board, or if their common area of jurisdiction includes the whole of the municipality, the two boards shall establish a joint committee." That kind of definition, which we may have to examine shortly, seems larger than our definition, which states that it is in the single-public-secondary-school area, which confines 136ka to about 181 jurisdictions across this province.

In those other wordings I used a few moments ago, it seems to me the interpretation is open to including large metropolitan areas such as Metro Toronto, Ottawa and Kingston. Ours is more definitive. It is talking about the single-secondary-school communities. I understand through the debate that the minister and his government have constantly gone on record as saying, "We are going to protect those single-school communities."

I find it very difficult to understand why we now find the government arguing against some inclusion within this piece of legislation which says, "Here are some processes we will use to ensure that the public secondary schools in those single-school communities are protected." At the same time as it is doing that, it is affording opportunities for the separate school boards to develop a secondary program in those jurisdic-

tions. I find it very difficult to understand the rationale.

One can only assume from the kinds of arguments that are coming forth from the government representatives that they really are not concerned about the protection of the single-school communities. They are going to leave the Bill 30 amendments in such a position that one would find it very difficult to define how they are going to protect the single-school communities, when they use such tremendous phrases as their favourites, "in the best interest of public education" and "a viable secondary program." There is no quantitative structure placed upon it. It is very nebulous, it floats around like protoplasm out there and there is nothing that pulls it together.

Mr. Andrewes: It is jelly in a sieve.

Mr. Davis: Jelly in a sieve, jelly in a bathtub.

Mr. Chairman: That is disgusting.

Mr. Davis: It does not afford the single-school communities the protections the government indicated it would give them when it introduced this bill to public hearings and then to this committee. I believe our amendment is much more definitive.

5:30 p.m.

Mr. Chairman: Is there further discussion? If not, we will take the vote on Mr. Davis's motion, which is section 136ka, as distributed.

All those in favour, please indicate. Opposed? It is six to four.

Motion negatived.

Mr. Chairman: For the record, they were the same individuals who were voting before.

Mr. Chairman: Mr. Allen, have you a motion you would like to present?

Mr. Allen: Yes, Mr. Chairman. I would like to move that section 2 of the bill be amended by adding thereto the following section, and I parenthetically say this is a slightly redressed version of what I gave you, but did not read into the record on the last day.

Mr. Chairman: No one should use Mr. Nigro's copy for this. They should use the actual piece of paper that has been distributed today.

Mr. Allen: That is right. It is the one that was distributed today. The previous item is now for history.

Mr. Chairman: Mr. Allen moves that section 2 of the bill be amended by adding thereto the following section 136ka:

"(1) If the area of jurisdiction of a public board is substantially the same as the area of jurisdic-

tion of a Roman Catholic school board or if their common area of jurisdiction includes the whole of a municipality, the two boards shall establish a joint committee.

"(2) If a board is required under subsection (1) to establish more than one joint committee, the board shall ensure that at least one member of each such joint committee is a member of the other joint committee or committees.

"(3) If a Roman Catholic school board is required to establish more than one joint committee and all of the public boards concerned agree, the boards concerned may establish a single combined joint committee instead of the joint committee, as required under subsection (1).

"(4) Each joint committee and combined joint committee shall consist of such number of members as the boards concerned may agree upon and, if the boards are unable to agree, shall be composed of,

"(a) three members of each public board concerned, appointed by their respective boards; and

"(b) three members of the Roman Catholic school board, appointed by that board.

"(5) If each of the boards that appoint members to a joint committee or combined joint committee is required to have a French-language section or a French-language education council, at least one appointee of each board shall be a member of such section or council.

"(6) A member of a joint committee or a combined joint committee shall hold office during the term of the members of his or her respective board and until a new board is organized and a successor is appointed or elected, as the case may be.

"(7) Subsection 74(7) and subsections 75(1), (2) and (3) apply with necessary modifications to a joint committee or combined joint committee."

That has to do with procedural matters—quorums and what have you.

"(8) The boards concerned shall make available to the joint committee or combined joint committee such personnel and services as the boards consider necessary for the proper functioning of the joint committee or combined joint committee.

"(9) A joint committee or combined joint committee may hold such public meetings to report upon its work as it considers necessary or desirable.

"(10) A joint committee or combined joint committee is responsible for exploring opportunities for sharing services, facilities, resources and staff, and may make recommendations in

respect of the implementation of programs for such purpose.

"(11) A public board and a Roman Catholic school board shall consider any recommendation submitted to it in writing by a joint committee or combined joint committee and shall not refuse its approval without having given the committee an opportunity to be heard by the board or by any committee of the board to which such recommendation is referred.

"(12) If a recommendation requires the approval of two or more boards to be effective and one or more of the boards concerned rejects the recommendation, the board or boards that approve the recommendation may make representations to the board or boards that rejected the recommendation, in which case the board or boards that rejected the recommendation shall reconsider the recommendation and may approve or reject it.

"(13) Each joint committee and combined joint committee shall report annually upon its proceedings to the disposition of its recommendations to the public board, the Roman Catholic school board and to the planning and implementation commission, which shall review and comment upon the reports as part of its annual report to the minister."

The motion is in order. Would you like to speak to it?

Mr. Jackson: Can we split this? We have several amendments to the amendment.

Mr. Chairman: Mr. Allen, would you like to speak to your overall motion?

Mr. Allen: Yes. I think the rationale behind it is very clear. As the mover of the previous motion suggested, we have heard a good deal of discussion about the future relationships of the boards offering secondary programs in this province. We have heard a good deal of concern about overlapping, duplication, questions of efficiency and economy, whether we could manage the costs of the whole undertaking and so on.

On the other side, we have also heard a good deal of representation from some boards, particularly in some parts of the province where there was already substantial co-operation. Some boards have this kind of committee structure already. I think of my own region, Hamilton-Wentworth, where there is a combined-board committee that does pretty much as this resolution proposes. In those settings, there is sometimes more and sometimes less sharing, but in some of them there is a very extensive pattern of sharing, which ranges across upward of half a

dozen, eight, even nine or 10 areas of co-operation, as I recall in at least one instance. This kind of proposition is eminently workable and indeed does function in parts of the province.

My intent through this motion was to establish such relationships and to foster such sharing and co-operation between boards as respects services, facilities, programs and what have you, as such boards might be prepared to work on together.

With regard to the way it is done, again I think that is reasonably clear. I am not dealing in rather vague concepts of communities. I am dealing in terms of specific jurisdictions that do overlap substantially and therefore call for the raising of the question between those boards. I am also mindful that some Roman Catholic boards are of a fairly large scale and encompass more than one public board. They try to provide for single, combined committees rather than multiple committees, to facilitate the joint and co-operative activity that may be possible in that setting and then to add a few devices in terms of numbers and so on to spell it all out.

Mr. Chairman: Because we have had a request to divide, I suggest we go through each subsection. I will call for amendments, so I can get an idea of where they are coming up.

Are there any amendments proposed to subsection 136ka(1)?

Mr. Davis: Can we discuss it?

Mr. Chairman: I will just call to see if there are amendments first. If there are not, then we will open the discussion. There are no amendments.

Mr. Davis: I would be interested in asking Mr. Allen whether this means common areas of jurisdiction include the whole of the municipality. Does this mean that in large urban areas, such as Metropolitan Toronto, Ottawa, London and so on, they have to establish joint committees?

Mr. Allen: Yes.

Mr. Davis: In effect, subsection 136ka(1) means that in every jurisdiction across Ontario, where a separate school board determines to extend the break, there must be a joint committee established?

Mr. Allen: That is right.

5:40 p.m.

Mr. Reycraft: We have felt for some time that there should be a vehicle to provide better communication and co-operation between separate and public boards across the province. That was our purpose in including a proposed amendment, which is on page 35, of Mr. Nigro's

compendium. We had proposed that subsection 3(2) include this substitution, which would provide on an optional basis for some kind of joint advisory committee. The essential difference in principle—what Dr. Allen is putting before us and what we had proposed—is that this would result in a mandatory committee.

We have had an opportunity to look carefully at all the provisions of the amendment since it was made available last Thursday and we are prepared to support it.

Mr. Chairman: Is there any discussion on subsection 136ka(1)?

Mr. Davis: Can I assume that we are going to support it all now?

Mr. Chairman: We are taking it one subsection at a time. I am sorry; that has been the request of Mr. Jackson, so I do not know. We will find out. All those in favour of subsection 136ka(1) please indicate. Carried.

Are there any amendments to subsection 136ka(2)? Is there any discussion? All those in favour of subsection 136ka(2)? Carried.

Are there any amendments to subsection 136ka(3)? Is there any discussion? All those in favour please indicate. Carried.

Are there any amendments to subsection 136ka(4)?

Mr. Jackson: I have written it out this time—over the weekend, as a matter of fact.

Mr. Chairman: Mr. Jackson moves that subsection 136ka(4) of Mr. Allen's amendment be amended by adding thereto the following clauses:

“(c) one member appointed by the appropriate teachers' affiliation of the public board or boards; and

“(d) one member appointed by the appropriate teachers' affiliation of the Roman Catholic school board or boards.”

The motion is in order. Would you like to speak to it?

Mr. Jackson: I was somewhat dismayed to learn of the limited support by both the NDP and the Liberals, 20 minutes ago in this debate, for the composition of the joint committees. I can only assume that was the basis on which they defeated Mr. Davis's prior amendment.

Perhaps the distinct reference to students might be inappropriate in the opinion of the other two political parties. It is hard to believe they would find the addition of parents a difficult matter, but it is even more difficult to comprehend that they would have trouble with the absence or potential absence of a teacher in

discussions, especially those dealing with the delicate area of sharing facilities and ensuring that certain programs are honoured.

I believe the amendment will only strengthen the work of this committee. It is obvious this committee will operate in every jurisdiction of the province. Given that, therefore, I think we should look to the legislation for at least a minimum basis of representation or composition so that it is consistent across the province. In this regard, a committee of eight would surely not become too large by the addition of two members from affiliations.

I believe it is worthy of support from the viewpoint of at least establishing that as the minimum, consistent base. Mr. Allen has worded his amendment very well with respect to allowing more flexibility in its composition, but this is our only opportunity to ensure that a more balanced representation will exist without limiting the capacity of these joint committees to expand.

They may choose to have public members, and we applaud them for that. However, I think it would detract from the work of the committee if, in its judgement, it should eliminate the participation and contribution of the federations completely. Where that risk exists, I feel we as legislators should resolve it.

Mr. Chairman: Counsel and I are having a little difficulty, not with the straightforward concept you have described, but with the term "affiliation." We wonder whether we should try to come up with another word that indicates it—

Mr. Jackson: The appropriate bargaining unit is an affiliate if referred to the associations. It would be the recognized teachers' bargaining unit or some other reference in the act where a committee representation is acknowledged, whether on the early school-leaving committee where there is some reference for—

Mr. Chairman: It is their representative body.

Mr. Revell: Mr. Chairman, I understand fully the intent of the motion. I suggest, if the motion carries, that I have it overnight until Thursday when I would bring it back redrafted, perhaps after consulting with Mr. Jackson to finalize the wording.

Mr. Chairman: I suggest the following for Mr. Kirkwood with that proviso: If this does pass, he or counsel might want to bring this back. He is suggesting the appropriate teachers' branch affiliate. Would it be all right with you, to begin with, to replace your word "affiliate?"

Mr. Jackson: "Teachers' branch affiliate." If that is a friendly amendment from the chair, I would be very pleased to accept it.

Mr. Chairman: We will see if that fits with what our legal counsel is considering. If necessary, he can bring it back.

Mr. Revell: I have one more concern about the motion. I have asked counsel if I could take a look at it.

Mr. Chairman: Sure.

Mr. Revell: May I have the amendment?

Mr. Chairman: Yes, please.

Mr. Revell: Now that I have seen it again, I think the answer is there.

Mr. Jackson: I failed to tie in subsection 10, which specifically refers to the sharing of staff. That was the other point I wanted to make. He has done a good job wording the amendment and I just wanted to tidy it up and strengthen it.

Mr. Chairman: All right. Is there any discussion on Mr. Jackson's motion?

Mr. Allen: My concern in the first instance is that this is a joint board committee. I am not opposed to others being co-opted from time to time or involved in the discussions. We provide for public meetings in the motion. However, that does not mean those would be the limits of consultation. These people are concerned strictly with board business. They have to take responsibility. They are elected to do that by the community.

Second, in some parts of the province, it would create vast and unwieldy instruments to add the people proposed in the amendment. For example, in the metropolitan area, the combined board structure would add up to about 16 people. If you added one other category of representation from each of the boards, there would be 32. If you add a third category, it would be 48. Those are not wieldy numbers to work with. Since this has to apply across the province, one should be reluctant to escalate those numbers for the boards concerned.

Everything that needs to be accomplished through Mr. Jackson's motion can be done through my proposed structure. I am reluctantly opposed to the creation of those additional parties.

Mr. Chairman: Is there any further discussion?

Mr. Reyecraft: It seems to me one disagreeable aspect to Mr. Jackson's motion is that it tends to diminish in some way the right of local boards to establish their own consultative mecha-

nisms. I know all boards across the province do that now, not only with board-wide committees, but also with consultative committees for specific schools as well.

5:50 p.m.

It may very well be—it usually is—the practice of boards to expand the membership of those committees so that it does bring in representatives of teachers and other employee groups, parents and students as well.

I see nothing in Dr. Allen's subsection 136ka(4), as it sits, that restricts that ability. It indicates it can establish the committee so that it consists of such a number of members as the boards concerned agree upon. I think it would be more appropriate to allow the boards to make the decision on how large the consultative body should be.

Mr. Jackson: I would propose a further amendment.

Mr. Chairman: You cannot.

Mr. Jackson: Why can I not?

Mr. Chairman: A new amendment?

Mr. Jackson: I would like to amend clause 136ka(4)(a) and clause 136ka(4)(b) and not clause 136ka(4)(c) and clause 136ka(4)(d) which I have introduced. We have not voted on the others.

Mr. Chairman: You can move that, but at the moment I have a motion before me, which is to amend the section by adding clause 136ka(4)(c) and clause 136ka(4)(d).

Mr. Jackson: Do I have the right to withdraw that amendment and place a second amendment on the same clause? Can I explain what it is I would like to achieve and then you will, as usual, help me?

Mr. Chairman: Yes.

Mr. Jackson: I am listening intently to what Mr. Reycraft had to say. He is suggesting there be a total of six members, two nominated by the board and one from the federation. If this concept of numbers is too unwieldy and we cannot provide it and our boards do not have the ability to determine what is a comfortable size, then perhaps Mr. Reycraft would enjoin us in support of reducing it to two members of the public board, two members of the separate board and then providing for one member each from branch affiliations. That would bring a total of six as the minimum basis and they could build and expand on it.

I find it hard to believe Mr. Reycraft, as a member of a federation, would himself object to that kind of representation.

Mr. Chairman: Rather than getting into the debate on it at the moment—

Mr. Jackson: You understand the intent?

Mr. Chairman: I understand your intent. You would have to withdraw your present amendment and introduce another amendment, because they are at odds with each other with respect to what has gone on. That is how we would have to proceed. If you decide to vote on your present amendment and it is defeated, it would be hard to reopen it on the section. It would be easier for you, if you were looking to deal with it most expeditiously, to withdraw this and then amend the three-person allocation as you are suggesting.

Mr. Davis: On a point of order, Mr. Chairman: Would you explain the rationale to me by which, if Mr. Jackson's present motion which simply asks for a designation of a teacher to be added is defeated, we cannot then move an amendment to clause 136ka(4)(a) and clause 136ka(4)(b) which simply changes the numbers, indicating who is represented by those numbers? I think that is quite proper. There is nothing wrong with it.

Mr. Chairman: Procedurally, it could be possible, in the sense that you could continually just move amendments changing the number. At some point or other, that becomes merely an unacceptable thing with respect to the ordering of business in the chair. All I am suggesting, if his intent is to do as he is suggesting, is that an easier thing to do is to withdraw this one, which is in conflict with that intent he is now talking about, and introduce the other.

Mr. Davis: I still have difficulty in understanding your ruling.

Mr. Chairman: I am saying I will not accept on a continual basis amendments which change the numbers from six to three to two to one, etc. We will take one amendment on that.

Mr. Davis: I understand that. I understood Mr. Jackson to say the amendment that is now before us is that he is only adding clause 136ka(4)(c) and 136ka(4)(d), which is the placing on that committee of a representative of the teachers' federation. If that amendment is defeated, it seems to me it is a completely new amendment he would be making. What he is then going to suggest is to change it from three members on each public board to, say, two members and a teacher representative. I think that is well within order.

Mr. Chairman: That is your opinion. Mine is that he is talking about making an amendment as to the number of members on a board. At the

moment, he is adding two extra to what we have here. His further amendment would be to reduce that. I am not going to take continual amendments changing the numbers; that is inappropriate. You should make up your mind what you want to move and move it.

Mr. Davis: Can I ask two questions for clarification? When we run into a situation such as this, are we allowed to caucus and decide which way we want to go?

Mr. Chairman: Sure.

Mr. Davis: How long do we have to do that?

Mr. Reville: Five minutes.

Mr. Chairman: You can take as much time as you like to have a chat about that. All I am suggesting is that it would be wise to decide what you want to do.

Mr. Davis: My second question is, if the chair makes a ruling with which we disagree—

Mr. Chairman: You challenge the chair.

Mr. Davis: Do the other people then have to decide whether to uphold the challenge?

Mr. Chairman: That is how it works.

Mr. Davis: It does not seem logical to challenge the chair because we have not won anything yet. I just wanted to clarify that.

Mr. Andrewes: Can I raise a point before we take our brief recess? I have heard comments from Mr. Allen regarding Mr. Jackson's amendment: first, that there would be nonelected people participating in what he sees as the function of two boards, and second, that the additional members of the committee could make it unwieldy. I think Mr. Reycraft went along with the first suggestion. He went one step further in his concern that the amendment would prohibit what he called consultative activity or committees that might function within this proposed amendment.

My concern is that we do not want to create a confrontational environment through this legislation. The proposed subsection 136ka(10) of the amendment says, "A joint committee or combined joint committee is responsible for exploring opportunities for sharing services, facilities, resources and staff, and may make recommendations...." It seems to me these are all very proper and appropriate activities for the boards and committees of the boards to be undertaking, but I am not sure they would want to be undertaking any of those activities without having an opportunity to consult fully and involve the members of the teaching profession who may be in their employ at the time and who may add

considerably to the discussion. I feel very strongly that the members should consider Mr. Jackson's proposed amendment before we caucus and perhaps alter it.

Mr. Reville: I assume we are awaiting an amendment and that clause 136ka(4)(c) has been withdrawn. Is that correct?

Mr. Chairman: No, nothing has been withdrawn as yet.

Mr. Reville: May I make a suggestion?

Mr. Chairman: Certainly, anything to help.

Mr. Reville: It is free advice to Mr. Jackson, should he wish to accept it. Why does he not amend clauses 136ka(4)(a) and (b) from three to two and continue with his clause 136ka(4)(c)? Then we can vote on that. I believe that does what you want. You can see whether it has the approval of the committee.

Mr. Chairman: What a clever idea.

Mr. Jackson: That is what I was trying to say originally.

Mr. Chairman: Is that what you were trying for? All right.

Mr. Jackson: If you cannot always be helpful, at least a member of your caucus can.

Mr. Chairman: Exactly.

Mr. Jackson: That is a real treat with this bill. It certainly was not one we enjoyed with Bills 54 and 55.

Mr. Chairman: I thought you got along splendidly on that bill. Let me be clear. Is that what you would like to do? You would like to have your amendment read that clauses 136ka(4)(a) and (b) be amended to read two members rather than three, and then have your clauses (c) and (d) that you moved.

6 p.m.

Mr. Jackson: That is my wish. I believe that was the only rationale Mr. Reycraft provided and I hope we have accommodated his concern.

Mr. Davis: For clarification, I was told we would take a vote on this. Mr. Reycraft is saying that members of the public and separate boards elected by the ratepayers indicate a concern about designating more people than those three. He has raised concern about our amendment having parents, teachers and students on it. I was wondering whether Mr. Allen would clarify subsection 136ka(5) for me before we vote on this. "If each of the boards that appoint members to a joint committee or a combined joint committee is required to have"—

Mr. Chairman: You are making it difficult for me.

Mr. Davis: I certainly am.

Mr. Chairman: You asked to deal with these things one at a time and now you want to go ahead and do another section.

Mr. Davis: I want clarification on this point because it impinges on what we are about to do.

Mr. Chairman: All right.

Mr. Davis: —“required to have a French-language section or a French-language education council, at least one appointee of each board shall be a member of such section or council.” Can Mr. Allen clarify exactly what that means?

Mr. Allen: It means exactly what it says. If a board is required to have a French-language section or a French-language education council, then in all honesty of representation in terms of the jurisdiction of that board, which has separate majority- or minority-language panels, there has to be a minority-language representative involved in the joint board discussions that a joint committee undertakes. That is precisely the point I was trying to make about numbers. The numbers I calculated for Toronto would have left that item to one side. I calculated the Toronto numbers on the basis, not of three but of one representative, that the board might choose to appoint only one person to each of the joint and combined committee bodies. That would result in the numbers becoming very large. If you begin adding to that, it becomes quite unwieldy.

Mr. Davis: Does that mean that of the three members of each public and Roman Catholic school board, if there is a French-language section or French-language education council, one must be a representative of that committee? Is that what he means?

Mr. Chairman: Yes.

Mr. Davis: In other words, the public board and the Roman Catholic school board will appoint only two members.

Mr. Allen: Yes.

Interjection: Three.

Mr. Davis: No, it would be two members because the francophone representation is elected by the francophone community.

Mr. Allen: There is a French-language section that is part of the board and the board, in allocating its three, decides that one of them will come from the French-language section.

Mr. Davis: You say they must do that.

Mr. Allen: Yes.

Mr. Davis: Shall do that.

Mr. Allen: Yes.

Mr. Davis: What you are saying, as I understand it, is that three members will not be three members of the public board; they will be two members of the public board and in some instances they will represent a francophone board that could be established—am I correct?—in Ottawa-Carleton.

Mr. Allen: They would be representative of duly elected trustees. They would be from the duly elected trustees who are members of the board and functioning as trustees. They would not be extraneous to the board's structure.

Mr. Davis: In Ottawa-Carleton, you have a French school board that governs until 1988. Would the francophone board have representation on this joint committee?

Mr. Allen: The francophone board and the remaining boards, however many there were in the resulting shuffle of all the Carleton area, would each select its representation according to the principles of this amendment.

Mr. Chairman: I am not sure we are not now debating—

Mr. Allen: This is not germane.

Mr. Davis: I understand what we are doing. I just find it strange that this section—thank you very much for letting me read it—now is applicable, which reduces the number of actual public board appointments because one of these, if those two things exist, shall be one of these.

Mr. Allen: That appointee is a public board member, Mr. Davis.

Mr. Davis: You decided that the public board will appoint him. I find it interesting that you will not allow a teacher or a parent to be appointed, but you will allow—you have limited the appointment of the board to two; one of them is designated if they have a French-language council.

Mr. Allen: I am sorry, but you are hopelessly confused.

Mr. Davis: I do not think so.

Mr. Chairman: The motion we have before us is that Mr. Jackson moves that subsection 136ka(4) be amended by striking out “three” where it appears in clauses (a) and (b) and by inserting in lieu thereof in each instance “two,” and by adding thereto the following clauses:

“(c) one member appointed by the appropriate teacher's branch affiliate of the public board or boards; and

"(d) one member appointed by the appropriate teacher's branch affiliate of the Roman Catholic school board or boards."

Mr. Jackson: Are you combining those two as one vote on clauses 136ka(4)(a), (b), (c) and (d)?

Mr. Chairman: That is right.

Mr. Davis: May we have a recorded vote?

Mr. Chairman: Yes, it has already been requested.

The committee divided on Mr. Jackson's motion, which was negatived on the following vote:

Ayes

Andrewes, Baetz, Davis, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reyecraft, Reville.

Ayes 4; nays 6.

Mr. Chairman: Is there further discussion of subsection 136ka(4)? All those in favour of subsection 136ka(4) will please indicate. Carried.

Mr. Chairman: Are there any amendments to subsection 136ka(5)?

Mr. Davis: I would like to clarify this. Mr. Allen has indicated I am confused. He may be right.

Mr. Chairman: Anything is possible.

Mr. Davis: Let us assume for the moment that a public board is going to appoint three members. Am I correct in understanding subsection 136ka(5) to mean that if that public board has a French-language education council, one of the three persons who are appointed is designated to be a representative of the French-language council?

Mr. Chairman: I believe the answer is yes.

Mr. Allen: That person will represent the public board in his capacity as a member of the French-language education council of the board. All these members have status as trustees.

Mr. Davis: In other words, no matter how Mr. Allen wishes to dance around the issue, in effect he is designating one of these appointments by saying that if the public board or the separate board has a French-language council or a French-language section, one of the appointed persons must be from that jurisdiction.

Mr. Chairman: That is right.

Mr. Allen: I hasten to add that it would also include the English-language education council

in the other minority-language situation if the roles were reversed.

Mr. Chairman: That is right.

Mr. Baetz: In the case of Ottawa where we likely will have a francophone board, in effect three representatives from the francophone board would be appointed plus three other francophones, one from each of the other public boards, because they all have a French-language council or whatever you call it.

Mr. Allen: No, Mr. Chairman.

Mr. Chairman: Order. I have a little trouble with this.

Mr. Baetz: I think this is what my colleague was trying to get at.

Mr. Allen: Bill 75 will not apply in the Ottawa-Carleton area if a French-language board structure is developed for the region. There will be no sections or French-language education councils on the public boards in those cases, nor a minority English-language education council or section in the French homogeneous board for the region. If we think otherwise, we are confusing the application of Bill 75 and the French-language board structure.

Mr. Jackson: I have a question for Mr. Allen. So I understand it, are we talking about duly elected francophone trustees or are we talking about the French-language advisory committees in jurisdictions? If we are, then there would not be elected representatives appointed. These would be volunteers, albeit board appointees. If we are talking about FLACs, we are talking about nonelected individuals and I see a bit of a dichotomy.

Mr. Allen: No, Mr. Jackson. The words "French-language advisory committee" do not appear here, nor are they intended to.

Mr. Jackson: I do not know whether that answers my question.

Mr. Allen: Yes.

Mr. Jackson: Are we talking about only the boards that are in accordance with Bill 75, wherein we are mandating that francophone trustees be elected and that they will therefore choose one of those individuals?

Mr. Chairman: One of the trustees.

6:10 p.m.

Mr. Jackson: That is right.

Mr. Chairman: One of the French-section trustees of the board. It is not to apply to the advisory committees known as FLACs.

Mr. Jackson: In no instances are there nonelected members on those committees.

Mr. Allen: In the French-language education council, there could be for one year.

Mr. Jackson: The first year?

Mr. Allen: There could be for one year and then it would be over.

Mr. Jackson: Would it be possible for Mr. Allen to consider a friendly amendment to insert the words "publicly elected"? Is there some way we can work that into it?

Mr. Allen: As long as the board has confidence that the person acting as the trustee in question is able to represent the board, it should be given the opportunity to make that choice. It may well be that they might choose one of the nonelected members of the French-language education council, although it is not probable. There would be other formally elected trustees who would be members of that council who could be chosen and they would probably be the ones given the nod. I am not sure that it is very important to amend permanent and long-term legislation to provide for what would happen over the space of a few months and then no longer be an option.

Mr. Jackson: This is my final question for clarification. Forgive me, but I want to make sure of the language of this. Is it clear that both boards have to have this component? Where one exists in isolation, the other would not be allowed. In other words, there will always be two appointees, one public and one Roman Catholic. There will never be—you understand my question. Can Dr. Allen respond? I think the wording is amiss.

Mr. Allen: The chairman may understand, but I do not.

Mr. Chairman: I think the question essentially is this: Of the six members that would be there, would there necessarily be one from each board who would be francophone or is it possible that you might have only one board that has a council and therefore the public board, with its three members, would have one francophone whereas the Catholic board might not?

Mr. Allen: It is quite possible that there would only be one francophone.

Mr. Jackson: Then I think the wording is wrong. It says that "if each of the boards that appoint" has a section, then they shall appoint. That was not the intention. Perhaps we can ask legal counsel to help us out of this.

Mr. Revell: The way I interpret it is the way Mr. Jackson is suggesting. This would only apply in a situation where each and every board has a French-language section or a French-language education council.

Mr. Jackson: That was my question; that was not my clarification. That is the way I read it.

Mr. Revell: That is the way I read it as well. That would mean there would be a potential for zero or a minimum of two who are on the French-language education council or the French-language section. That was not the intention and I think we can make a quick amendment on that.

Mr. Chairman: Would this meet your needs? "If either of the boards appoint members to a joint committee or a combined joint committee is required to have a French-language section or a French-language education council, at least one appointee of that board shall be a member of such a section or a council?" Is that proper language?

Mr. Revell: It could be more than one board, too. I was thinking of this: "If a board that appoints members to a joint committee or a combined joint committee is required to have a French-language education section or a French-language education council, at least one appointee of such a board shall be a member of such section or council." I would rather get rid of "such" and use "that," if you do not mind. That is a personal preference.

Mr. Chairman: For me, too.

Mr. Revell: The amendment as it would finally read is: "If a board that appoints members to a joint committee or a combined joint committee is required to have a French-language section or a French-language education council, at least one appointee of that board shall be a member of such section or council."

Mr. Chairman: You have a "such" in there.

Mr. Revell: We will leave the second "such."

Mr. Jackson: I will be pleased to move that, unless it has been accepted.

Mr. Chairman: I gather it is already accepted. Thank you for pointing that out, Mr. Jackson.

Mr. Jackson: I have further questions about this wording. First of all, I was reading it while you were debating something else and then we heard Dr. Allen read it through. Where is the subsection that allows boards to appoint more than the minimum of three? Is there one?

Mr. Davis: No.

Mr. Jackson: Did I read that in your former draft? Is that where I got that?

Mr. Allen: No. You are thinking of the provision in subsection 4 where it says, "such number of members as the boards concerned may agree upon." Otherwise, it does limit it to three. It does not allow for additional members at any other point in the amendment.

Mr. Jackson: It begs the question that if we are going to have a quid pro quo balance between two boards, it is apparent that a French-language section would exist in one board but would service students from both boards. Therefore, in some small way we have put in question the balance between the two committees, where one board says: "Look, we have lost one of our designations for the French-language component and none of the issues at stake at the moment is French-language. Therefore, you have more members on your board who are addressing public school or regular program needs of our students in any given jurisdiction."

It concerns me that we have now introduced the notion that one of the two boards is forced to give up one of its representatives. Maybe we should be exploring a way of ensuring that they have that one representative, or that there be a countervailing representation so that each board has equal representation.

Mr. Chairman: The question essentially being asked, Mr. Allen, is whether the French-language section or council representative is a full trustee on the board who deals with all the matters that a trustee deals with, or would this in some way limit the representation?

Mr. Allen: It does not in any way limit the representation of the public board in question that has a French-language education council or section representative on the committee, because those are full board members who not only participate in the French-language education section jurisdiction but also in the common jurisdiction of the board as a whole. In that sense, therefore, they are proper and full representatives of the board.

There is no diminution of the board's representation by having a French-language section representative there. That person is a full trustee, a full voting member of the board.

Mr. Jackson: At least, two years from now he will be for sure.

Mr. Davis: Mr. Jackson has indicated a discrepancy to us. Mr. Allen is quite aware that the French-language trustee, as he indicated, deals with the delivery of French-language programs, the staffing, the capital costs of those programs and the buildings.

It is possible that if you understand Bill 75—which, by the way, is not legislation yet; one only assumes it is going to become legislation. I think it is fair to assume that is going to happen, but it has not happened.

Mr. Chairman: In the fullness of time.

6:20 p.m.

Mr. Davis: In the fullness of time.

"Common" has yet to be defined, other than what is in the piece of legislation we are looking at. It is possible in a jurisdiction that, as they are beginning to discuss the French-language issue, the French-language representative trustee can say "That is in my sole jurisdiction" and the other two trustees will have no recourse in that discussion. As I understand Bill 75, it allows the French trustee complete jurisdiction in delivery of the French program.

Therefore, because in subsection 10 it says, "for sharing services, facilities, resources and staff," if there is nobody else at it, in the debate it is possible the only person of those six who is designated—and it is very interesting Mr. Allen is prepared to designate one person although he was not prepared to designate anybody else—could say that the implementation of the program is solely his jurisdiction. There could be five persons appointed by the board who, by law, would not be allowed to discuss that issue.

I know I am stretching the point, but that is reality. If I am wrong, I would bend to the planning and implementation commission or to Mr. Allen. However, as I understand Bill 75, the francophone trustee has complete jurisdiction in francophone matters.

Mr. Chairman: I do not know that legislation well enough, but I remind members, this is only a recommending vehicle. This group makes no decisions. Therefore, I presume anybody can discuss anything he wants. At the board level, the francophones may very well say, "The rest of you do not have any say in this; that building is in our jurisdiction." I do not know that legislation well enough to know whether discussion of it at a subcommittee level or at this level is out of order, as it were.

Mr. Allen: Unless the other boards in question have French programs, there would not be any question of joint services in the French area in any case. On the other hand, most of the shared-services questions are going to arise in the areas of common jurisdiction, where you are talking about transportation, purchasing, audio-visual services, resource centres and that kind of thing. These can be talked about in general terms

and the French members of a given French-language section would have some interest in taking part in those discussions. I do not foresee the problem my colleague is having with that.

Mr. Davis: Could there not exist a situation in which that group is discussing the implementation of program and the francophone representative could say, under Bill 75, "That is within my prerogative and it cannot be discussed here"? Is that not a possibility? That is all I am asking.

Mr. Reycraft: Mr. Davis is losing sight of the fact that this is an advisory committee. The constitutional rights of the francophone population within the jurisdiction of the board would be protected when the recommendation came before the board for consideration. If it was something entirely within its jurisdiction, it would indicate so and deal with it at that time.

Mr. Chairman: That is the point I was trying to make.

Mr. Davis: Is it Mr. Allen's intent also to state that on those boards where there is an English-language section or an English-language education council, they would be appointed automatically?

Mr. Chairman: Mr. Allen is nodding his head.

Mr. Davis: Does that have to be in this legislation? It does not say that.

Mr. Allen: It does not say that, and it might be wise to make the reference, since part XI of the Education Act and also Bill 75 make those correspondences. I simply assumed that those precedents would rule, but I do not have any problem with inserting that.

Mr. Chairman: Is this where there is a majority French board and there is an English-speaking section? Should this be a separate section or an amendment to this section?

Mr. Davis: It is only a matter of cleaning up the wording and incorporating it. I do not know how Mr. Allen does it. It is applicable. If he has agreed to it, it just needs to be cleaned up and placed in.

Mr. Revell: I do not have a copy of Bill 75 with me. There is a provision in Bill 75 that any reference to a French-language section shall be deemed to apply to an English-language section, but I cannot remember how it is worded—whether it is confined strictly to part XI or whether it is for all purposes. I will check that. I have a feeling we will run out of time on this. It can be dealt with at any time before the end of section 136ka.

Mr. Allen: The alternative would be to put in parentheses after "French-language section," "or English-language section," or after "French-language education council" put in parentheses "or English-language education council."

Mr. Chairman: Why do we not deal with it on the basis that, if necessary, we will add the parentheses? If it is not necessary because of an overriding provision in Bill 75, we will leave the wording as is and understand that English-language sections would be provided for? If necessary, we will reopen it on Thursday to make it absolutely clear. Is there anything further on this subsection?

Mr. Davis: I take exception to Mr. Reycraft. Our concern in this section is not that the French-language section is in there. Our concern is that as we have gone through the debate to this point, both the government and the New Democratic Party members have indicated they do not want to designate people to be representatives of those committees. They turned down the opportunity to involve parents. I can understand why they may not want students involved. They turned down the opportunity to have teachers involved but, all of a sudden, they have now designated at least one person—we would prefer two people in most jurisdictions across this province—but they have made the designation of persons in respect to those three people being appointed.

It is odd that they find it difficult to make designations of other people who have just as much input into the educational system of this province and just as much concern about what will happen to their schools, the sharing of facilities and the whole issue.

Mr. Chairman: You have not failed to make that point.

Mr. Davis: I hope I have not.

Mr. Chairman: I have heard it before.

Mr. Davis: I just find it odd.

Mr. Chairman: "Odd." "Strange" was another word you used when you said the same thing before.

Mr. Davis: I could use a couple of other words that I think would be more appropriate.

Mr. Chairman: All those in favour of subsection 136ka(5), as amended, please indicate. Those opposed? Carried.

Mr. Jackson: We are in favour. I am not comfortable, but we have to support it. It is a good idea.

Mr. Chairman: On Thursday of this week, following orders of the day, we will reconvene to discuss subsection 136ka(6) and, if we have any

words from legal counsel on what we have to do with subsection 136ka(5), we will reopen that.

The committee adjourned at 6:28 p.m.

CONTENTS

Tuesday, May 20, 1986

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-93
Adjournment	S-117

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Andrewes, P. W. (Lincoln PC)
 Baetz, R. C. (Ottawa West PC)
 Davis, W. C. (Scarborough Centre PC)
 Epp, H. A. (Waterloo North L)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Reville, D., Vice-Chairman (Riverdale NDP)
 Reycraft, D. R. (Middlesex L)

Witnesses:

From the Ministry of Education:

Burtnyk, W. A., Senior Education Financial Consultant, School Business and Finance Branch
 Kirkwood, W. T., Education Officer, Legislation Branch
 Clifford, J. F., Executive Director, Education Services Division



No. S-5

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Thursday, May 22, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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Vice-Chairman: Reville, D. (Riverdale NDP)

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Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Ward, C. C. (Wentworth North L)

Substitutions:

Epp, H. A. (Waterloo North L) for Mr. Ward (Bill 30)

Cooke, D. S. (Windsor-Riverside NDP) for Mr. Allen

Clerk: Carrozza, F.

Staff:

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, May 22, 1986

The committee met at 3:45 p.m. in room 151.

After other business:

4:39 p.m.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, An Act to amend the Education Act.

On section 2:

Mr. Jackson: Mr. Chairman, may I request the indulgence of the committee? At the last sitting I was in the process of writing out an amendment when the chairman called for moving on to the next amendment. It was not until it was read in that I realized we were advancing.

Specifically, I would like to request to reopen section 136d with a new subsection 3. I understand I need the support of the committee. I will speak to this matter for less than a minute.

Mr. Chairman: Will you explain why you would like to reopen it and deal a bit with the substance as well.

Mr. Jackson: I will explain why. May I proceed very briefly?

Mr. Chairman: Only if you are doing it in terms of why you would like to reopen it.

Mr. Jackson: I raised questions about a dispute which arises between two boards over fees and I was advised by ministry staff that the dispute resolution was found elsewhere within the bill. I am merely wishing to tie that down with a clause and I hope legislative counsel will concur with the wording. I will not read it in in case I am ruled out of order, but essentially it achieves an explanation as to how a dispute that may arise will be resolved.

Mr. Chairman: The request by Mr. Jackson is that we reopen section 136d which, as you may recall, was amended and is now a two-part motion. This would be adding a subsection 136d(3) for the disputes resolution.

Mr. Jackson moves that section 136d be reopened.

That is the easiest way to do it; then we can take a vote on it. All those in favour of reopening section 136d, please indicate.

Clerk of the Committee: Unanimous consent is needed.

Mr. Chairman: Is it? There is not unanimous consent.

Mr. Jackson: May I ask for clarification briefly?

One of the reasons I did not introduce it is that it was tied to a section of the bill that was not yet approved. Was I wrong in my thinking? How would we have handled that?

Mr. Chairman: Perhaps you should talk to legal counsel in the interim as we go on here. There are disputes resolution sections, not dealing specifically with fees but with other matters in the bill. Perhaps you should talk to legal counsel to see if you can put this in somewhere else.

Mr. Jackson: I do not think my colleagues are concerned with not having it in the bill. I think they are just concerned with reopening an old section. I would hate to see this fail because people do not want to spend the time to fix the bill.

Mr. Chairman: It may mean that you need to reword it slightly to fit in someplace else as we get there.

Mr. Jackson: I have enough direction. I will find a section.

Mr. Chairman: As we adjourned on Tuesday we were dealing with the new section 136ka. We had just passed subsection 136ka(5), at which point legal counsel told us there might be—I think it was on some comments from Mr. Davis, as I recall—a question on English-language minority boards; we might need other subsections. I gather legal counsel has come up with something for you on that.

Mr. Allen: The first question raised with respect to subsection 136ka(5) has to do with the comparable treatment for English-language sections and education councils that would be provided under the rubrics of Bill 75. I have additional copies of both of those in my name for members.

Mr. Chairman: We probably have enough of them by the looks of it.

Mr. Allen: Do you have enough of them?

Mr. Chairman: Yes, we have enough. I gather the first one would be a new subsection 136ka(5a).

Mr. Allen moves that section 136ka of the act, as set out in the motion, be amended by adding thereto the following subsection:

“(5a) Subsection 5 applies with necessary modifications if a board is required to have an English-language section or an English-language education council.”

Do you wish to speak to it further? We had a fairly good discussion of the need for this when Mr. Davis raised it the other day.

Mr. Davis: It says, “Subsection 5 applies with necessary modifications.” Can legal counsel tell me what is meant by that?

Mr. Revell: In this case, it would mean that where the words “French-language section” or “French-language education council” appear in subsection 5, we would just substitute the necessary changes.

Mr. Davis: Thank you for the clarification.

Mr. Chairman: Any further discussion of the motion? All those in favour, please indicate.

Motion agreed to.

Mr. Chairman: Is there a second subsection?

Mr. Allen: Yes, there is a subsection 136ka(5b).

Mr. Chairman: Mr. Allen moves that section 136ka of the act, as set out in the motion, be amended by adding thereto the following subsection:

“(5b) Nothing in part XI-A or XI-B applies so as to restrict the participation of a member of a joint committee or combined joint committee in any meeting of the committee or so as to prevent the member from voting on any matter at a meeting of the committee.”

Mr. Allen: That wording is intended to provide for the concern raised by Mr. Jackson yesterday, and I believe also commented on by Mr. Davis, that given the fact that Bill 75 will be passed at some date following this piece of legislation, and inasmuch as we are referring to the incorporation in this act of some references to Bill 75, there may be a problem with the exclusive jurisdiction. We think it is very slight and improbable, but there may be a problem with the relevance of the exclusive jurisdiction of French-language section trustees or French-language education council trustees, in the exclusivity of their powers in relationship to the joint committee or the joint combined committee in its consideration of matters of all kinds.

It is important that this committee, as an advisory committee, be free to be very expansive and inclusive in all of its deliberations with respect to joint services and shared services and it

is important that there be no impediment in that. Just to preclude that and preclude the future impact of Bill 75 on this provision, this wording has been provided for us by legislative counsel to handle the circumstances.

Mr. Chairman: Do you want to add anything?

Mr. Revell: Mr. Allen has said it all. I might add that I have consulted with Mr. Kirkwood of the ministry. He has discussed it internally with ministry officials, and they believe it would be better to take this course of action and add this particular clause.

Mr. Chairman: Any further discussion?

All those in favour of the new subsection 136ka(5b) please indicate.

Motion agreed to.

Mr. Chairman: We are going to move to subsection 136ka(6). Are there any amendments?

Mr. Jackson: We are amending—

Mr. Chairman: The procedure I was using, as we went through each subsection, was to call to see if there was an amendment to Mr. Allen's motion on section 136ka.

Mr. Jackson: It is a friendly amendment, I hope. I wonder if we can eliminate the words “of his or her.” We are trying to avoid gender references. I do not think it affects it if we remove those words “of his or her.” It would read “during the term of the member's respective board.” Is legal counsel satisfied? I would like to eliminate that verbiage.

Mr. Allen: I think it is a substitution of “the respective board.” The word “the” in the place of “his or her” would probably apply. “His or her” was an attempt to avoid the sexist implication of saying either “his” or “her,” but it is quite satisfactory to me if “the” does the trick.

Mr. Jackson: I understand that to be the acceptance of a friendly amendment.

Mr. Chairman: “The” is probably more appropriate than “their,” but I am not sure.

Mr. Revell: I think if we were to change it, perhaps to the plural, this is one of those cases where it would work much better to say, “The members of a joint committee or a combined joint committee shall hold office during the term of the members of their respective boards and until new boards are organized and successors are appointed or elected, as the case may be.” I see no problem with the “his or her,” to be quite blunt about it. It seems to me to be a completely appropriate place to be using “his or her.” It is

certainly nonsexist in its full implications. It is a concern that if you just take out "his or her," you end up with a strange reading, "during the term of the members of the respective board...."

Mr. Chairman: I am in your hands. It would seem that counsel is suggesting to us that we pluralize everything or leave it as it is.

Mr. Revell: I have another suggestion here. There is something wrong about "during the term of the members respective...."

Interjection: During the members—

Mr. Jackson: His or her.

Mr. Chairman: Wait a minute. Whoa! I gather Mr. Revell would like the floor.

4:50 p.m.

Mr. Revell: Could we not say "during the term of the members of their respective boards"?

Mr. Revell: I think it would be better to say "to hold office during the term of the board that appointed the member." This would be the best way: "A member of a joint committee or a combined joint committee shall hold office during the term of the board that appointed the member until a new board is organized."

Mr. Allen: I suspect the board has an ongoing existence legally, quite apart from that of individual members, and therefore one talks of members' terms, not boards' terms.

Mr. Chairman: If I can go back to the beginning of this, I might remind you this was a friendly suggestion that need not be accepted. It could be posed as a motion.

Mr. Jackson: Then could I put it in the form of a motion, not inviting it to be friendly or otherwise.

Mr. Chairman: Mr. Jackson moves that subsection 136ka(6) be amended by deleting the words "during the term of the members of his or her respective board" and substituting therefor the words "during the member's board term."

Mr. Jackson: I do not need to speak to it.

Mr. Chairman: Do you need it in writing? Maybe we can do that as we go through. I have the wording down here. Is there any further discussion on that? All those in favour of Mr. Jackson's amendment?

Mr. Reycraft: Can we get a comment from legislative counsel?

Mr. Revell: I find the way it is drafted is quite adequate. The more we fool around with the "his or her" problem here, which is not a problem—in fact, we are going to come up with many his's and her's when we get into section 136l, where

we deal with relationships between teachers and their boards. You are going to find as we move down the road that it is not going to be just the Education Act but virtually all legislation that is going to be dealing with this.

Legislative counsel has been trying to take the position, if I may just summarize it briefly, that where the actor or receiver of a benefit can only be an individual, we will use "his or her." Where the actor or receiver of a benefit can be an individual or a body corporate, then we will use the nouns over and over again. I find it quite acceptable from a drafting point of view, but I am in the the committee's hands on whatever motion is acceptable.

Mr. Chairman: We will call a vote on this. Is it understood what the motion is? It is to replace those words with the words "during the member's board term."

All those in favour of Mr. Jackson's motion, please indicate. All those opposed?

Motion negatived.

Mr. Chairman: We will now move to the main motion on subsection 136ka(6). All those in favour, please indicate. Opposed? Carried.

Subsection 136ka(7) refers to specific subsections of the Education Act. Is there any amendment?

Mr. Allen: This has to do with matters pertaining to quorum and what have you, including technical items that pertain to all such committees under the act. This subsection spares us a number of clauses.

Mr. Chairman: I like that part. Is there any discussion?

All those in favour, please indicate. All those opposed? Carried.

Are there any amendments on subsection 136ka(8)? There are none. Is there any discussion? All those in favour, please indicate. Carried.

Are there any amendments on subsection 136ka(9) concerning the joint committee meetings?

Mr. Davis: We have an amendment.

Mr. Chairman: Mr. Davis moves that subsection 136ka(9) be amended by deleting the word "may" in the second line and substituting the word "shall" therefor.

Mr. Davis: We are saying, in effect, that the committee shall hold public hearings to report upon its work as it considers necessary or desirable. We do that because of the process now

in place. We have enough copies for everybody, I believe.

Mr. Chairman: They are not necessary. You are just changing "may" to "shall". Continue to speak to it if you wish.

Mr. Davis: The reason we do that is that through the process we have expressed concern. I know the movers of the board of management concept supported by the government have indicated that the board has the right to incorporate on it any other members it wants. We return to our deep concern for those single-school communities. When one moves into the process of sharing a school, we believe the public should be involved and understand. One assumes they would follow this if it were "may", but a "may" is inclusive; you do not have to do it.

In a situation in Metro Toronto where there was a possibility of sharing a school facility, it was not handled in the most appropriate way. The information reached the public and a public hearing was held. That was the largest public hearing the board had seen in several years, people who were concerned about the sharing process of their school.

I know we were not as far along in Bill 30 as we are today, but I am convinced the residents in those single-school communities would want to hear what is going on and how that school is being dealt with. Just changing the "may" to "shall" says that committee will have a public meeting. It may be no more than disseminating information or to have some dialogue. I think "shall" requires that kind of process, which I believe is important.

Mr. Chairman: Is there any further discussion?

Mr. Revell: I heard Mr. Davis's explanation. To achieve the policy objective, other amendments are required. I was writing something out to send to Mr. Davis; unfortunately I did not have enough time. To achieve the policy objective, it would be necessary to change the section to read:

"(9) A joint committee or combined joint committee shall hold public meetings to report upon its work."

Mr. Davis: Sorry, yes.

Mr. Revell: If you leave in "as it considers necessary or desirable," you have not achieved anything mandatory.

Mr. Davis: Thank you. I meant to do that. We can change that now if you wish.

Mr. Chairman: We would be changing it to read as follows:

"(9) A joint committee or combined joint committee shall hold public meetings to report upon its work."

You have the same argument.

Mr. Davis: It is the same argument, yes. I will add that to it, withdraw the first motion and substitute the one being drafted.

Mr. Chairman: Thank you.

Mr. Davis moves that subsection 136ka(9) be amended to read:

"(9) A joint committee or a combined joint committee shall hold public meetings to report upon its work."

Is there any further discussion?

Mr. Reycraft: If there is no intent to take away from the committee the right to have private meetings—

Mr. Davis: No.

Mr. Reycraft: —on that basis, we would be prepared to support the motion.

Motion agreed to.

5 p.m.

Mr. Chairman: Shall subsection 9, as amended, carry? Carried.

Are there any amendments to subsection 10, a joint committee and recommendations.

Mr. Jackson moves that subsection 136ka(10) be amended by inserting the words "transferring facilities, leasing facilities or" after the words "opportunities for."

These are words being added to the subsection. No words are being removed. I think Mr. Jackson has some copies. Would you like to speak to that, Mr. Jackson?

Mr. Jackson: Basically, it takes a very good idea that Mr. Allen has put together and further clarifies the range of matters that will be discussed. Their absence, in terms of reference, could create more difficulty. The notion of leasing or transferring facilities should be discussed by joint committees if they are to function effectively as problem-solving mechanisms.

I fell short of getting into chattels and things of that nature, but I wanted to ask legal counsel if in the amended amendment it is implied that this includes things such as the equipment in a shop, the desks or the drapes.

Mr. Chairman: The term "resources" is fairly broad.

Mr. Jackson: Yes. I felt the word "resources" was probably adequate, but you will recall that I raised this point. We did not want one school board stripping a building it knew was about to be

transferred. We hope this committee would be able to avoid any of that if it were to occur.

Mr. Revell: I am not sure how far the word "facilities" would go in this aspect.

Mr. Chairman: What about the word "resources"?

Mr. Revell: I would certainly put equipment into the resources field.

Mr. Jackson: I thought it would adequately cover it. I have been careful to separate "transferring facilities" from the concept of transferring staff, resources and so on. The committee would consider sharing, but in the very crucial and critical area of transferring and leasing of facilities, this committee should clearly be the mechanism by which that is discussed in every jurisdiction in the province.

Mr. Chairman: Is there further discussion?

Mr. Allen: I am a little concerned over the fact that when one talks about transferring and leasing facilities, one is into an entirely different game than when one is talking about sharing facilities between boards.

There are provisions and arrangements. There are proper committees on boards that already deal with property questions in terms of ownership and transfer of lease. Those things are rather different from the concept of sharing.

I can see how, in the course of the recommendations this committee might make, a board might end up making decisions about transferring this or leasing that. None the less, I am just a little concerned.

I wonder if I could have some comment from ministry personnel about their sense of the operations around leasing and transferring of buildings within and between systems at the moment. How would that would be impacted and what complications would we get into, if this committee were dealing at that level as well as at the level of sharing?

Mr. Chairman: Mr. Clifford, do you want to give it a try?

Mr. Clifford: The only answer I could give would be that in the bottom-line decision regarding a transfer or a lease the boards would decide.

Mr. Allen: If this committee had consideration of transfer and leasing as well as consideration of sharing of facilities, would that add any particular impediment to the operations of the board with respect to property issues?

Mr. Clifford: Eventually, as I said, it is the board's decision. Obviously, many groups can

have an impact on the recommendations leading to a board decision. The question I was asking in my own mind as you were discussing it is, what impact, if any, would it have on the school closure that we were discussing the other day—public meetings?

Mr. Jackson: If he is asking a question of a committee member—

Mr. Chairman: He could be.

Mr. Clifford: I would be happy to withdraw.

Mr. Jackson: I have no objection.

Mr. Chairman: Give it a try. He can ask a question.

Mr. Jackson: The point I am concerned about—

Interjection: That is a quorum bell.

Mr. Chairman: If it is, I will have to leave the chair for a quorum.

Mr. Allen: Clearly, this committee can range broadly across a lot of subject matters. If this does not seriously interfere with the jurisdictions and activities of other subcommittees of boards, I do not see a real problem in using the language. No recommendation has to be agreed to by any board, and if sharing systems or multiple systems and the combined joint committees dictate a suggestion around transferring and leasing as well as sharing actual facilities, so be it.

Mr. Chairman: If this is a quorum call, my obligation is not to have a recess; I was incorrect about that. If it is a vote in the House, then we must recess. If it is a quorum I will notify you, but the committee continues along.

Mr. Jackson: When the minister leaves the House, all hell breaks loose.

Mr. Chairman: That is true. It often happens that way. No further discussion? I gather the mover of the original motion is in favour of the amendment. If there is no further discussion, shall we take the vote?

All those in favour of Mr. Jackson's amendment to subsection 136ka(10), please indicate.

Mr. Jackson: Do you not want to hear from Mr. Reycraft? He was trying to get your attention.

Mr. Reycraft: It was in reference to something Mr. Clifford had said. There was some concern about how it might affect school closure policy and the implementation of a policy by a board.

Mr. Chairman: I have a sense, though, that all this does is to mandate the joint committee to look at these matters and to make recommenda-

tions on them. I do not think Mr. Clifford was indicating it would necessarily have an impact on other board policies. The board, in its wisdom, has to make the ultimate decisions anyway, coming from whichever direction it wants. As far as I can tell, that was the advice we were being given.

Mr. Allen: Let us take, for example, a circumstance in which, because these boards work together, the deployment of some facilities is perhaps not satisfactory with respect to the whole situation as against the separate operations of separate boards. One can imagine that they might bring back to a board recommendations suggesting that a transfer here, a lease there or a shifting in the system of that fashion might be to everybody's benefit. If that can be contemplated as a reasonable proposal from them, and I think it can, then the amendment is certainly worth considering.

Mr. Chairman: Why do we not call the vote on this?

All those in favour of Mr. Jackson's amendment, please indicate. Those opposed?

Motion agreed to.

Mr. Chairman: All those in favour of subsection 136ka(10), as amended, please indicate.

Motion agreed to.

Mr. Chairman: On subsection 136ka(11), do we have any amendments? Since there are none, all those in favour—

Mr. Jackson: Hold it. Given that it has not been read into the record officially and we are moving rather quickly, could we read it?

Mr. Chairman: It has been.

Mr. Jackson: It was read into the record two days ago, but could we read the section?

Mr. Chairman: Sure.

Mr. Jackson: I am not asking that this be done on everything. The reason you are not reading it is that the whole section was read, but it was two days ago. I have been trying madly to read it a second time before I vote on it.

5:10 p.m.

Mr. Chairman: I was just presuming that people would know whether they had amendments or concerns, but I will read it in. Subsection 136ka(11) says:

"A public board and a Roman Catholic school board shall consider any recommendation submitted to it in writing by a joint committee or combined joint committee and shall not refuse its approval without having given the committee an

opportunity to be heard by the board or by any committee of the board to which such recommendation is referred."

Are there any amendments?

Mr. Davis: I have a question. Perhaps Mr. Allen would explain to me in a little more detail. He says, "without having given the committee an opportunity to be heard by the board or by any committee of the board to which such recommendation is referred." Does that mean this joint committee could go and speak to a subcommittee of the board and then from the subcommittee of the board go to the board as well, or is it either one or the other?

Mr. Chairman: I read it as one or the other, but I am not sure. It does not say "and/or," which I know a legal counsel hates anyway.

Mr. Allen: There could be circumstances in which the matter might well be referred to the committee before it was discussed by the board and, therefore, one would want it to be heard both by the committee and by the board.

Mr. Chairman: It does not rule out the possibility, but it does not require it. That would be my interpretation.

Mr. Davis: I assume the New Democratic Party critic is quite aware of how a board operates: It operates through committee structures. Therefore, this committee would first of all make a presentation to a committee of the board. For example, it probably would be the committee on property and finance. That committee would hear them. It could then say, "No, we turn down the recommendation." What Mr. Allen is saying is that the joint committee then has the right to go to the board, instead of just moving right to the board. What happens is an opportunity that there might be a couple of stages. He understands that process.

Mr. Chairman: I think so.

Mr. Allen: I expect the board function would not go from committee to committee but that the joint committee would report to the board in some fashion, and that the board might direct that before the board actually heard this, it would go to the committee. The committee then would make its response for the board itself. That is why it is either/or. The board may delegate its power to consider to the committee; but if not, and if it is not necessary, then it shall be before the board. But one or the other shall certainly hear it.

Mr. Davis: Can we have some legal advice? I do not believe a board has the right to designate the decision-making policy to a committee.

Mr. Allen: That is not the point. The point of this motion is not with respect to a decision that is made, it is with respect to a hearing. The board may hear it or the board may direct that a committee hear it. The committee then may recommend, as it pleases, back to the board for a decision.

Mr. Davis: I stand to be corrected, but it is my understanding that anybody who wishes to make a presentation to the board can make the presentation. The board has the final say. The board cannot say, for example, in this particular case, to the joint committee, "You will go before the education committee to make your presentation," because the education committee can only make a recommendation to the board. The board then makes the determination on that recommendation, either in favour or against. It seems to me that what Mr. Allen really wants is for this committee to go before the board to have its public hearing, not before a committee of the board.

Mr. Allen: That may be Mr. Davis's reading of it; that is not what I intended.

Mr. Davis: I could be wrong.

Mr. Chairman: As I read the motion, that is not its intent. To achieve that intent, I would do one of two things: I would move that it be amended to strike out everything after the word "board" in the second-last line; or you might change the word "or" in the second-last line to "and," which would be putting a double onus on. If you wished the intent you are suggesting, Mr. Davis, you would need that amendment.

Mr. Davis: What I am trying to clarify is the fact that a board cannot delegate away its decision-making prerogative to a committee. It cannot do that, as I understand the Education Act. It can only take a recommendation from the committee to make a determination. I could be wrong.

Mr. Chairman: But it could still do that. Through this subsection, Mr. Allen is suggesting that the question of the right to be heard might only be the right to be heard before a committee. That may be different from the standard policy under the Education Act, as you have already said, but that would be the effect of this subsection. It would be for this committee to provide those alternatives.

Mr. Davis: I would really like some legal direction, because it seems to me, as I understand the Education Act, that this joint committee could, even though the board said you will report

to committee A. I do not know whether this would override the Education Act.

Mr. Chairman: Why do we not ask Mr. Kirkwood for his advice on this? He knows the Education Act so intimately.

Mr. Kirkwood: But I am not a lawyer and cannot give a legal opinion.

Mr. Chairman: You cannot be sued for it, either.

Mr. Kirkwood: True. It seems to me that the power of decision certainly lies with the board. The board ultimately has to consider the motions that come before it. How those motions get before the board is really the responsibility of the board in terms of its inner workings.

I would think that, depending upon the size of the board and the jurisdiction in which the board operates, different sorts of procedures are used in order to get to the business at hand and to take a vote on a particular motion or recommendation.

Mr. Chairman: If you want that impact to be coherent with the rest of the act as you read it—and I gather you want that, the notion that this committee should be able to go directly to the board itself—then I would suggest that the easiest way for you to try to deal with it would be to have an amendment that would make it conform.

Mr. Davis: It is very nice of you to offer me that kind of advice. I know the board has to make a decision. I am just trying to clarify things. I understand what Mr. Allen wants. It is a hearing for that joint management board.

The way it is currently worded, as I understand the operation of a board of education, that subcommittee could request a hearing in front of the board under the Education Act, even if the board allocated that hearing to a subcommittee of the board. It is like getting two kicks at a can.

Mr. Chairman: I am not disagreeing with you. All I am saying is that, if that is the case, you would remove the last phrase to make it consistent with that. That would be the easiest way to do it.

Mr. Davis: In his proposal does Mr. Allen anticipate the joint management board or the joint committee having more than one option of presenting its case to members of the board of education?

Mr. Allen: I am trying to provide that they have one option for a hearing. That option may be before the board or before the committee.

The board would decide, I presume, where it wanted to have the hearing: either in the full board or before the committee. Then the board, in its own wisdom, would decide whether it

wanted to carry the matter any further. It would then go on, possibly to a decision or possibly not.

The question of decision-making powers is not compromised in any respect by the motion. It is just that there shall be a place where the hearing takes place, either in the board or in the committee.

Mr. Chairman: We are getting a very circular argument. We are also getting an amendment.

Interjections.

Mr. Davis: I will take your advice, Mr. Chairman, and prevent the possibility.

Mr. Revell: There are two possibilities for amendment here. If it is one kick at the can, it might be preferable to change the last two lines of subsection 136ka(11) to read, "to be heard either by the board or by a committee of the board to which such recommendation is referred." That would clearly make it one kick at the can. If it is desirable that there be two kicks, it would be preferable simply to change the word "or" to "and" in the second-last line. Having heard the arguments here, I think we should move one motion or the other and not leave it to read the way it is.

Mr. Davis: I would simply amend subsection 136ka(11) by deleting the words "or by any committee of the board to which such recommendation is referred." That would allow this committee to go to the decision-making body, the board, to have its hearing, which is always in public.

Mr. Chairman: The motion is in order and we have had the discussion.

Mr. Davis: Do you want me to write that out for you?

5:20 p.m.

Mr. Chairman: Yes, please.

Mr. Davis moves that subsection 136ka(11) be amended to remove all the words after the word "board" in the second-last line.

All those in favour of Mr. Davis's motion, please indicate. Those opposed?

Motion negatived.

Mr. Reycraft: To clarify the matter, and as legal counsel has suggested, I move that the word "either" be inserted after the first "by" in the sixth line.

Mr. Chairman: I am not sure that was what legal counsel suggested as a solution.

Mr. Revell: Yes, I was suggesting that. Can I be allowed to put some words into Mr. Reycraft's mouth?

Mr. Chairman: Do try.

Mr. Revell: Mr. Reycraft would move that subsection 136ka(11) be amended by inserting after "by," where it appears the first time in the second-last line, "either," and by striking out the word "any" in the second-last line and replacing it with "a."

Mr. Allen: May I, as mover of the motion, speak for a moment?

Mr. Chairman: Only when I know whether those words were actually put into Mr. Reycraft's mouth.

Mr. Reycraft: That was my intention.

Mr. Chairman: That is Mr. Reycraft's motion, which is in order. Would you like to speak to it?

Mr. Allen: Yes.

Mr. Chairman: Excellent. Mr. Allen would.

Mr. Allen: In response to Mr. Davis, I said I hoped this particular provision was intended to provide at least one place to which this committee would report. I did not mean to imply that it might not appear before a committee and the board. I was not saying it had to, either.

I prefer the original motion as it stands. I do not think there is any need to get into the either/or. I presume that if the matter were reported to the committee, it would get there by recommendation if that was the route the board wanted it to follow. Therefore, it would come back to the full board. The committee might recommend a hearing or the matter might just be screened through the processes of that committee. I do not want to preclude the other happening if it appeared to be the wiser course.

Mr. Chairman: The motion before us is to add the word "either" after the first "by" in the second-last line. It would read, "to be heard by either the board or by a committee of the board to which such recommendation has been made."

Mr. Reycraft: The amendment does not prevent the motion from allowing the committee to make a presentation to a committee of the board and then to the board itself. It simply indicates that they have to have at least one, and I think that is the intent of Mr. Allen's amendment.

Mr. Chairman: Right.

Mr. Jackson: I am getting rather confused by the intention here. I am trying to pick out—

Mr. Reville: We want them to have a hearing.

Mr. Jackson: I want them to have a hearing as well, but, having been a trustee, I know how this would work if I were faced with this dilemma as the chairman of my board. Since the criteria say

we can put staffing matters on the table before a committee, part of the report or the whole report would be referred to a grievance committee of the board, where teachers and trustees sit down because it involves staff. We are going to talk about transferring a school. Now we are saying we could transfer all or part of the report to the property committee of the board.

I am just asking for clarification. That is the intention here, but does the amendment say it can go to only one committee?

Mr. Chairman: Yes.

Mr. Jackson: I have a hard time supporting that. If the principle is that you should have a day in court, then you should not limit it by selecting which of the board's committees will do the hearing.

Mr. Chairman: I am incorrect about that. The language would actually indicate it has the right to go to at least a committee.

Mr. Jackson: "Any committee."

Mr. Chairman: No, the word is "a." The word has been replaced. Two words are now in there. We are dealing with Mr. Reycraft's amendment.

Mr. Jackson: "Either by the board or a committee."

Mr. Chairman: Therefore, its purpose is to be the minimum of—I think. However, I agree with the problem. I do not understand why we do not just strike everything after "board" and just let the board deal with this. It all seems bizarre to me.

I am trying to be helpful; I am not sure whether this is. It seems to me that you want to give the committee, which is dealing with some very important business, the right to report back to the boards involved. It is complicating things to have this complication of subcommittees taking this out of the hands of boards that may wish to deal with it that way as well as to have the full hearing. Why not stop it after the word "board"?

Mr. Jackson: I will tell you why.

Mr. Chairman: Good.

Mr. Jackson: It is because of the case I raised about staff. There are very few teachers as trustees on boards. They are not in the same jurisdiction, in accordance with the act. If it were only to go back to the board, you would only deal with trustees. Therefore, a staff matter would not be vetted, screened or reviewed by a grievance committee or a committee made up of teachers.

If Mr. Allen had supported the Progressive Conservative party's amendment, wherein we

allowed for a minimum of one teacher from each board to serve on this worthwhile committee, we might have avoided all this bizarre language to which you referred, Mr. Chairman, as well as the bizarre consequences and problems associated with drafting this section. I doubt seriously whether Mr. Allen is going to reconsider opening that section to allow for a teacher to serve on these joint committees.

I cannot support the amendment if it implies or is interpreted to mean only one committee, or as you have suggested but no one has moved an amendment to do, stop at the word "board." It is noticeably lacking any opportunity for the teachers to participate, or personnel from a school under review for closure to seek participation, in debate and review, save and except the trustee representing that school.

Mr. Chairman: To help you through this, I am wondering whether—

Mr. Jackson: I am not having any trouble with this, Mr. Chairman.

Mr. Chairman: You are suggesting what would be acceptable to you. I gather that if the word "a" were put back to the word "any," you would find it okay.

Mr. Jackson: It would overcome the problem I flagged.

Mr. Chairman: That is right. Therefore, I should take that back.

Mr. Reycraft: I have no real objection to that, Mr. Chairman.

Mr. Chairman: The mover is now suggesting it would be, "either the board or any committee."

Mr. Davis: There is still a fundamental problem. Unless that particular board gives us committee of the whole, the committee to which they go could be composed of a small number of the trustees of the total board. If I were a trustee of a board and you were dealing with the recommendation of a joint committee on the sharing of a facility in the jurisdiction, I would certainly want to hear the presentation and the discussion.

The joint committee or the committee meets, goes back to the board and makes a report, and the board says, "Come and make the report again." I think you are complicating the whole issue. The board has a determination to forward anything out to another committee, if it wanted more discussion, or back to staff.

Mr. Jackson: We will run this one up the flagpole. What about "either the board and/or any committee"?

Mr. Chairman: I have been told by legal counsel that "and/or" is impossible.

Mr. Revell: "And/or" is impossible.

Mr. Jackson: It is as bad as "his and her," right?

Mr. Chairman: It is worse than "his and her."

Mr. Revell: It is a logical problem of "and/or." It is exactly the same combination of problems that we are going through here, as to whether you mean "either," "or" or both. It does not solve the legal difficulty. It is one of the problems of the English language. There are the two conjunctions, "and" and "or." Which way do you want to go with it? Do you want two hearings, one hearing or a multiplicity of hearings?

Mr. Epp: Yes.

Mr. Chairman: The motion we have before us at the moment is, "heard by either the board or any committee."

Mr. Reycraft: To repeat, Mr. Chairman, the motion as amended guarantees a hearing. It gives the board the right to determine where that hearing is going to be and that is the way it should be.

Mr. Davis: This guarantees a multiplicity of hearings throughout the process. I have no problems with that, if that is what Mr. Allen understands by it. I know he wants to have a hearing. This opens the option for a multiplicity of hearings.

Mr. Chairman: All those in favour of the amendment by Mr. Reycraft, please indicate.

Mr. Jackson: Was the amendment "either" and "and"?

Mr. Chairman: "Either the board or by any committee" is the amendment. All those in favour, please indicate. Those opposed?

Motion negatived.

5:30 p.m.

Mr. Chairman: Mr. Jackson moves that the proposed subsection 136ka(11) be amended by inserting in the sixth line after the words, "or by," the words, "the board and."

It is offering an option of once, twice or several times.

Is there any discussion? It now reads, "be heard by the board or by the board and any committee."

All those in favour of Mr. Jackson's motion, please indicate. Opposed?

Motion agreed to.

Mr. Chairman: All those in favour of subsection 136ka(11), as amended? Those opposed? The motion carries.

Subsection 136ka(12) reads, "If a recommendation requires the approval of two or more boards to be effective and one or more of the boards concerned rejects the recommendation, the board or boards that approved the recommendation may make representations to the board or boards that rejected the recommendation, in which case the board or boards that rejected the recommendation shall reconsider the recommendation and may approve or reject it."

I am almost afraid to open this one.

Mr. Reville: We do not want to hear any editorial laughing from the chair.

Mr. Chairman: Sorry.

Mr. Reville: Let us just call the question on this.

Mr. Jackson: Which board is on third?

Mr. Chairman: That is right. Is there any discussion?

Mr. Jackson: Can Mr. Allen explain it?

Mr. Chairman: I think it actually does follow. It is just not being very clear about the word "board" and the antecedents.

Mr. Allen: Perhaps the first thing to do is to read it again, because if you read it slowly, you will get the sense of what it means.

It is a case of getting a second kick at the can in meetings with the boards that rejected it by those who feel a good argument has been missed. They need to have a good opportunity to go back on the question and have another run at it.

Mr. Jackson: I have a quick question. Are you envisaging the following? This small joint committee will meet and make the recommendation. The committee members will go back and present it to their boards. Then one of the boards rejects it and one or more of the boards that has accepted it can come forward as a delegation before the full board. Is that what is intended here? The delegation makes a presentation on why they, as boards B and C, feel strongly that it should be supported. Then there is a vote and we will live by that result. Is that another way of explaining the process?

Mr. Allen: Yes. The committee is no longer making the presentation; the board that accepts it is going to a board that rejects it.

Mr. Chairman: Is that crystal clear? No, it is not.

Mr. Davis: You may want to support this, but I think you are setting up a tremendous adversar-

ial role of boards against boards. A board makes a determination and that is the authority the board has. Once the board has made a determination, an issue can be reopened only by two thirds of the board. I suggest this is going to create havoc because, if I am correct, it means that two thirds of the board then has to agree to hear the other boards. You are going to have bedlam out there.

Mr. Allen: They do not have to. The board's position will require that this rule be waived in circumstances where we are considering the potential for sharing services and for co-operative activities of various kinds.

Mr. Davis: We are going to waive that right?

Mr. Chairman: This is requiring mandatory reconsideration if one of the rejected boards wishes it.

Mr. Davis: I am having a lot of difficulty. The determination of a board is the determination of a board. To say, "Listen guys, you have made a mistake; we want to come back and make a presentation because we think we are right," creates a lot of problems for me. This kind of recommendation will create great difficulty for boards with respect to the fact that they are autonomous units when they make decisions. This in effect is saying, "Board A, you have made a decision but boards B and C do not agree with you, so we are going to come back and ask you to reconsider." Even if they reconsider and say no again, you have not achieved much except you have allowed the two—let us call them semi-boards at this point—to say, "We want to be heard again."

To my knowledge of the process by which the board operates now, before any issue can be reopened it needs a two-thirds majority. We are going to say we will end that kind of process for this situation. If you happen to be an individual citizen and you do not like a board's decision with respect to the closing of a school, you have the right to go back and ask the board to reopen it, but the board can say "no." This piece of legislation is saying to the board, "You must reopen it."

Mr. Chairman: That is true. I do not see how you can amend it if you oppose it, but you can vote.

Mr. Davis: I think it is wrong. I think it is totally wrong.

Mr. Reville: You have a way in a democracy to indicate that.

Mr. Davis: I know we do and I will vote against it, but I am suggesting that on this kind of amendment I would like to hear what ministry

officials have to say. I see fantastic turmoil. I could be wrong.

Mr. Chairman: Mr. Clifford, do you want to make a comment?

Mr. Clifford: I would like to know the specific question you wish me to comment on.

Mr. Reville: Do you see fantastic turmoil ahead because of this subsection.

Mr. Clifford: I have no opinion on that.

Mr. Davis: Fine. With all due respect, Mr. Chairman and my colleague, I think it is crazy. A board has made a determination and now you are not even allowing that board the democratic right to say, "Yes, we will reopen the issue." Reopening the issue is being mandated. The ordinary citizen in this province, who is upset because a board makes a determination, does not have that same right. I think that is wrong.

Mr. Chairman: That is understood.

Mr. Reycraft: The situation, if it were implemented, as I see it, would have the joint committee making a presentation to all the boards. If one of the boards rejected the recommendation and the others adopted it, then one or more of the other boards would have the opportunity to make a presentation to the dissenting board. It would not be a repetition of the same groups making a presentation. This would be the first opportunity for one of the boards that had supported and adopted the recommendation to make a presentation to the other board on the matter. The committee would have made the presentation but the board would not have.

Mr. Chairman: All those in favour of subsection 12 please indicate.

Those opposed?

Agreed to.

Mr. Chairman: Subsection 136ka(13) reads, "Each joint committee and combined joint committee shall report annually upon its proceedings and the disposition of its recommendations to the public board, the Roman Catholic school board and to the planning and implementation commission which shall review and comment upon the reports as part of its annual report to the minister."

Is there an amendment?

Mr. Jackson: It is very fortunate that I know how to type.

Mr. Chairman: Mr. Jackson moves that subsection 136ka(13) as moved be amended by adding the following words after the word "minister": "who shall cause the report to be laid

before the Legislature, if it is in session, or if it is not, at the next session.”

5:40 p.m.

Mr. Jackson: I table that motion because upon reviewing Dr. Allen’s initial presentation of his amendments, I found he made reference to it. I thought it most appropriate, but for some reason it evaporated from the page when transferred to his second set of amendments. I thought it particularly appropriate because throughout public hearings we, as legislators, were accused of not being involved. We will approve this bill and walk away, and only have to face the difficulties of it every four or five years at the polls.

Quite frankly, I think it does not hurt to have as many opportunities as possible to get feedback here, reports on the progress—I will put it in the positive—the joint committees are making throughout the province in achieving the objectives as set out in subsection 136ka(10).

It is very appropriate that we have copies of those reports, and that the minister make them available to us for examination. In some jurisdictions the legislators are not always apprised of that as well.

Mr. Chairman: I will just bring one thing to your attention. I just asked the clerk to look for it and he has found it. There are new rules for annual reports. Some ministries did not have automatic annual reports in the past, and some reports did not automatically get tabled.

Standing order 35(b) says: “The statutory annual report of each ministry and of all boards and commissions and other agencies reporting to each minister for the immediate past reporting period, shall be presented to the House before the consideration of the minister’s estimates unless reasons are given to the House for noncompliance.”

Standing order 35(c) says: “Statutory annual reports provided for in clause (b) shall be deemed to have been permanently referred to the appropriate standing committee.”

Under the new rules, then, it would automatically be referred to a standing committee such as, in this case, the standing committee on social development.

Clerk of the Committee: It is automatic.

Mr. Chairman: You are suggesting in your amendment—as it has now finally gotten into the rules of the House—that it be automatic for all annual reports. If you disagree with that interpretation, please let me know.

Mr. Revell: Well, I do disagree with the interpretation. Whether it is in the standing orders is actually going to be irrelevant to this particular issue. There is a motion in the government package of motions, an amendment to subsection 136s(2), which provides that—

Mr. Jackson: Could you pause while I find that, please? Section 136s?

Mr. Revell: Subsection 136s(2). This is one of the provisions that deals with the planning and implementation commission.

Mr. Jackson: “The commission shall make an annual report”—

Mr. Revell: —“to the minister and the minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the assembly if it is in session or, if not, at the next ensuing session.”

As I understand Mr. Allen’s motion, this material is to be included in the annual report of the commission. Therefore, by being put into the annual report of the commission, it will automatically become part of the material that is filed or tabled in the House under the proposed subsection 136s(2)—assuming it is carried by this committee.

Mr. Jackson: I will withdraw. I am satisfied it achieves that.

Mr. Chairman: Okay. Any further discussions on subsection 136ka(13)? All those in favour of subsection 13, please indicate.

Motion agreed to.

Mr. Chairman: I cannot remember now. Is there a section 136kb? I was afraid of that. It is on page 8 of the compendium. We have not had it read into the record.

Mr. Allen moves that section 2 of the bill be amended by adding thereto the following section:

“136kb(1) Where a Roman Catholic school board elects to perform the duties of a secondary school board, neither the public board nor the Roman Catholic school board to which subsection 136l(1) applies shall contract with third parties for the provision of support services during the first 10 school years during which the Roman Catholic school board performs such duties.

“(2) A contract for the provision of support services between a public board or a Roman Catholic school board and a third party that is in existence immediately before the coming into force of this section shall terminate forthwith on its coming into force.

“(3) In this section, ‘support services’ includes any service that is not ordinarily performed by

members of the supervisory officers or teaching staffs."

Mr. Allen: You will note that I left out one segment deliberately.

Mr. Chairman: "Except for services required on a temporary basis."

Mr. Allen: Yes.

Mr. Chairman: Did everybody notice that in subsection 1? Would you like to speak to the motion, Mr. Allen?

Mr. Allen: This was great concern by the representatives of the support staff who came before us and pointed out a trend with many public institutions, among them school boards, to contract out a variety of services to private groups in the community. They and we were concerned that in the process of being transferred, support staff moving from a public to a separate board might well find itself in a situation in which, for example, the separate board contracted out its custodial services. Therefore, the displaced custodial party would have no place to go at the separate board inasmuch as the employment of those persons and services were quite outside the hands of the separate board. There would simply be no place to go.

I am aware that in the separate system at the moment there are only two or three boards that have contracted out services. This does not create a great handicap across the system. This precludes the development of a situation during the 10 years in which support staff transferring might find themselves in difficulty securing work in the separate system. We felt at the same time that this was a concern that reached beyond the Roman Catholic boards and that it was an issue where we did not want to deal unfairly with one system over the other. Therefore, we wished the no-contracting-out provision to pertain to both board systems for the entire 10 years.

That is the basis of consideration of the amendment. The details of subsections 136kb(1), 136kb(2) and 136kb(3) spell that out.

Mr. Reycraft: I wish to speak against Mr. Allen's amendment. The term "support services" covers a broad range of things. I am sure it is not his intention to prevent a school from contracting out such things as architectural services, legal services and bus transportation; the list could go on and on. These are support services not provided by teachers or supervisory officers. There is a number of reasons why school boards now contract out services for those things. They need to continue to have the right to do that. To put an amendment such as this into the bill would

not only impose additional costs on boards of education across the province, but would also impinge on management rights that are currently being exercised.

Mr. Jackson: Unfortunately, legal counsel had to leave. My question is exactly what Mr. Reycraft alluded to at the end. To what extent can we as legislators override collective agreements with the boards? Maybe I am wrong, but is there not some implication of conflict with existing collective agreements? Mr. Offer is a lawyer and maybe he might jump in.

Mr. Reville: Do not do it, Mr. Offer.

Mr. Chairman: You may recall our debate earlier on when certain sections of the bill indicated that they would supersede collective bargaining rights. That is our legal right, but it was seen to be pretty offensive to the groups involved. However, we have the right to do it as far as that goes.

5:50 p.m.

Mr. Jackson: Then I have a question for Mr. Allen. If my memory serves me correctly, the area where this came forward most clearly was with the Canadian Union of Public Employees in Metro Toronto. It was not only with reference to the transfer; it also took the occasion to address some of the concerns it has under its current collective agreements with respect to hiring occasional and nonunion workers. Addressing that concern is more the focus of this clause. Is that correct?

Mr. Allen: Yes. I was scribbling to try to find a quick way of amending it to meet the objections. The concern was raised by the CUPE representatives, in particular with respect to the Toronto separate board, but it was also framed in a broader fashion. If I heard you correctly, yes, it was in response to that representation.

With respect to architectural services and those other kinds of services, if you look at subsection 136kb(3), it was intended to pin down more exactly what was meant by "support services." I suggest that perhaps the addition of a few further words would narrow the frame to exclude the kinds of contracted services that boards obviously secure for a number of other purposes.

Subsection 136kb(3) might have some additional words so that it would read, "In this section, 'support services' includes any service that is not ordinarily performed by members of the supervisory officers or teaching staffs, but are performed by the support staffs customarily employed by school boards." That would mean

custodial services that are in the direct employ of the school board on a regular basis.

Mr. Chairman: The actual words you are adding are, "but are performed by the support staffs customarily employed by the boards in question." Do you want "in question" there? This is to go at the end of subsection 136kb(3) to meet the concern raised on a couple of occasions about certain services such as bus drivers, etc., which are currently contracted out and that kind of thing. That was the intent of the motion.

Mr. Jackson: May we have that read again so I understand it? I was starting with a line of questioning of Mr. Allen, but this is fine, if I can grasp what his amendment is as soon as legal counsel and the clerk have a handle on it.

Mr. Chairman: We are adding to the end of subsection 136kb(3), after the words "or teaching staffs."

Mr. Jackson: If we are debating subsection 136kb(1), why are we amending subsection 136kb(3)?

Mr. Chairman: We have not subdivided this one as yet. We have been talking about the whole thing to this point.

Mr. Jackson: Can you start again? "...by members of the supervisory officers or teaching staffs" is what I have in front of me.

Mr. Chairman: After the word "staffs" we would see "but are performed by the support staffs customarily employed by the boards in question." Rather than speaking to it, because it was in response to what Mr. Reycraft raised, why do we not continue with Mr. Jackson's questions, which I presume all fit in with this unless you want to subdivide the section at this point?

Mr. Jackson: I will want to subdivide, but I would like to understand exactly what Mr. Allen has offered to help me with here. It will help to use a case example. If we stay with the janitor for a moment, first, your amendment now purports to address a janitor who has to transfer to the other board. You are saying you do not want the separate school board to contract out if it has been forced to take a janitor who is a member of CUPE. Is that what you are stating?

Mr. Allen: Not who is a member of CUPE, but who is designated by a public board.

Mr. Jackson: We will not be transferring occasional staff who are not under contract to a board. They are not protected under this legislation. The only janitors who will be transferring under this legislation will be members of CUPE.

Mr. Allen: However, they are not transferred by virtue of being members of CUPE; they are transferred by virtue of being designated staff.

Mr. Chairman: We did hear some circumstances, as I recall.

Mr. Jackson: We are talking about being contracted out. This is why I am trying to understand this.

Mr. Chairman: There were staff janitors who are not unionized, as I recall.

Mr. Jackson: They were in seniority positions.

Mr. Chairman: I thought there were some districts where there were no locals involved.

Mr. Jackson: You could be correct; that is true. Those were occasional staff. I do not know of a case in the province where a full-time janitor who is not a member of a union is working for a school board. The practice of boards is to hire between four and six to do occasional work, to assist. That is the area of dispute between CUPE and the board. Some staff are in the part-time CUPE bargaining unit. In other boards, they are occasional nonunionized workers. I have to understand this if I am supposed to support it.

You are saying, Mr. Allen, that you do not want someone with union protection in the public board to go to the separate board by virtue of the bill and then be faced with the situation where he is told by the separate board that it contracts out everything and therefore there is no job for him. Is that what we are trying to correct with this?

Mr. Allen: Yes. I am puzzled why you insist on including the term "union protection."

Mr. Jackson: Please do not be offended by it. It just helps me to understand this.

Mr. Allen: If you can explain further why you are using it, I would be quite happy to accept it. I do not know whether you have some hidden agenda with that.

Mr. Jackson: No. Temporary services—

Mr. Chairman: It was taken out.

Mr. Jackson: No.

Mr. Chairman: The segment in subsection 136kb(1), "except for services required on a temporary basis because of the absence of regular support staff," was not read into the record. It is not included in this.

Mr. Jackson: Because he has not allowed the exemption means they are included; he has flagged it in my mind. We have agreed that temporary services means nonunionized workers. I am trying to remember what we did with CUPE. That is why I am making the reference.

Otherwise, what is the purpose of this clause? You are saying that we are telling the separate school board it must find a position for this individual whether it has its janitorial services contracted out or whether the whole system is done by occasional workers. Is that what we are trying to achieve here? That is all I want to understand.

Mr. Allen: I am trying to prevent a circumstance in which there is no position.

Mr. Jackson: That is helpful. If you are trying to prevent that, what are we asking the separate school board to do?

Mr. Allen: Not to contract out the services provided or performed by those who are customarily employed as support staff.

Mr. Jackson: Does this mean that if all their services are contracted out, they have to create a bargaining unit for that individual?

Mr. Allen: There is nothing in this amendment that says they have to move one way or another with respect to a bargaining unit. That has to be between their own employees, their own board and the union in question that might want to organize them. This legislation is not transferring collective bargaining rights or union rights.

6 p.m.

Mr. Jackson: I will pass for a moment. I just want to understand what impact this clause will have on the separate school board because that is really delicate. We did not get many submissions from CUPE; the submissions were mostly teacher-based. It is a very important provision, and I do not want it to pass through lightly.

Mr. Allen: I would like to add that my conversations with the Ontario Separate School Trustees' Association indicated there are only two boards in Ontario that now contract out those services that are customarily performed. The present impact is very slight. We are trying to prevent expansion of contracting out, which would create the problems I alluded to.

Mr. Jackson: I beg to differ. Could I ask Mr. Allen to clarify whether he was asking them with his amendment of two weeks ago, or was he asking the group in question with the amendment he has tabled in front of us? As I read it, he had an exemption for temporary services. I know many separate school boards hire temporary cleaning staff and not full-time janitors in all cases. There may be two boards that do not have any full-time janitors, but I can assure you there are more than two separate school boards that have temporary cleaning staff. By being silent in the full motion,

he is including temporary staff. I have to understand this.

Mr. Allen: That is a question you have not asked me yet. You are quite correct in your observation. If you are interested in having it altered, you would include the exemption in an amendment.

Mr. Reycraft: I understand Dr. Allen's concern and the objective of his amendment, but I still think the amendment goes way beyond what is intended. If it is accepted, there is going to be a problem with defining what is customarily employed.

For example, what goes on and is the practice and custom in a large board is a far cry from what is practised in another board. Even within a board, changing enrolment patterns could necessitate the board making a management decision that would affect this. One of the big concerns I have is that subsection 136kb(2) has the effect of eliminating or nullifying all existing contracts for support services between public school boards and third parties and between Roman Catholic school boards and third parties.

Mr. Allen: That is right. Our party is very concerned about the whole pattern of contracting out that is happening across the province and across the country. With contracting out, people who perform support staff functions and activities of that kind in their employment slowly get shuttled down from one wage level to another as one subcontractor bids against another. You get a slow diminution of the wage levels and conditions of employment. It is a very invidious process. We want to stop it at every point we can.

Mr. Reville: That is the invidious section of the bill.

Mr. Davis: Mr. Reville wants to speak.

Mr. Reville: I do not. I just want to interject.

Mr. Chairman: It was a creative heckle.

Mr. Davis: Are interjections allowed?

Mr. Chairman: They are out of order, but they are allowed.

Mr. Davis: Do you ever rule them out of order?

Mr. Chairman: No. It has never helped the Speaker; why should it help me?

Mr. Andrewes: Invidious interjections.

Mr. Chairman: Not like the last one. Mr. Davis does have the floor.

Mr. Davis: I have a lot of difficulty with this recommendation in the bill. One of my concerns is one that Mr. Reycraft raised about what we mean by support services. I imagine this section

was really referring to caretaking staff and the matron staff, but its implications are quite ominous, because the section could be applicable to other sectors of support staff within the school system.

The section mentions "normally performed by members of the supervisory officers or teaching staffs." I assume it would not apply to the special resource staffs that boards bring on stream to help them in specific cases. I assume it does not apply when you hire someone on a term basis to assist in delivering a service.

More important, as we watch what seems to be occurring in the Roman Catholic school board, we see the expansion of their school systems in a variety of degrees across the province. One of the foundation stones of a board is the trustees' understanding that they are autonomous and that they make and direct the policy of that board of education. One effect of this is that it ties their hands very effectively as to how they determine their ability to supply the support staff required for the functioning of their buildings.

I am going to talk about caretaking staff and maintenance staff. This says that for 10 years you cannot contract out those services. It is not a short period of time. It is a long time.

Once you have built that into the system, you create the opportunity for the development of a bargaining unit. I am not saying that is right or wrong. Once you have a bargaining unit in place, it helps determine the mechanism by which the board will carry out its functions.

You could protract that opportunity of hiring temporary services or contracting out a particular project to make it economical or respond to a particular need. Interestingly, it also applies to a public board, because you undermine the determination of the trustees to decide the most effective way of delivering whatever service they are providing in their school system.

It is also very subtle and indicates that the promises made to us by the separate school boards were hollow. The separate school board said no person would lose a position because of the extension of funding. The various people who came before us indicated that this included members of the non-teaching staff. They indicated there would be a position in their jurisdiction for the secretary, caretaker, matron and truck driver who were dislocated because of the extension of funding. The various members of the separate school educational community who came before us said, "We will have no problem finding positions for those individuals within our jurisdiction." They went a little bit further and

said they would be positions that would be comparable, jobs they may be able to perform. They made the commitment. This suggests that the commitment will not be honoured.

6:10 p.m.

To ensure that it will be honoured, we are also going to place some restrictions on the Roman Catholic and the public school boards. I am not sure it is the prerogative of the legislative process to make a determination of the responsibility entrusted to elected officials. I stand to be corrected, but I do not think we have that kind of process applying to the legislative building. There is no contracting out of services of which I am aware, but there may be. All of a sudden, we say we are going to put it out here and restrict the separate and the public school boards in determining how they can best afford to provide the kinds of services they need to provide.

I have problems with any piece of legislation that overrides existing contracts and collective agreements without some kind of dialogue going on. Those contracts and collective agreements have been resolved over a long period of time and with difficulty. I am disturbed by any piece of legislation that can ride in on top of those and say, "Whatever happens is not really important because this is the new process." It is imperative that there be some kind of dialogue to understand those implications.

As we went through the debates, we asked constantly: "What implications will the bill have on the collective agreements that are already outstanding? What impact will it have on them?" To my knowledge, we did not receive a full response to those questions. Indications were that it would not seem to have too tremendous an impact on those collective agreements.

Mr. Chairman: I have no desire to cut you off, Mr. Davis—well, actually I do have a desire to cut you off.

I have no desire to limit debate, but there is no need for opposition committee members to always explain things in full colour. If I might help move us along—because we have a long bill—there is opposition from at least two quarters to the presentation put forward by Mr. Allen. The arguments have been made. Mr. Jackson has not said so in full terms, I admit that.

You are in opposition, as I can hear in very great detail, and we have heard that there is opposition from the government party. It would be helpful if we were to move towards a vote on this section; then we could move on to things on which we do not know where people stand, and

get some things accomplished. Again, if you wish to continue, you have the right to.

Mr. Jackson: I cannot support something I do not understand.

Mr. Chairman: Asking questions is fine.

Mr. Jackson: I tried at length to understand. I am convinced that this clause, as written, is going to have a serious impact on the separate school boards.

Mr. Reycraft: It has some effect on public boards, too.

Mr. Jackson: I want you to understand my concern and what is sticking in my mind, Mr. Allen. I do not wish to walk away so quickly from assisting the Canadian Union of Public Employees in achieving some protection which it honestly came forward to this committee of legislators to obtain. By the same token, however, I do not want to create havoc with the separate school boards across the province.

I will use the janitorial scenario at my board in Halton so that Mr. Allen will understand why I have become bogged down here. The Halton Board of Education contracts out part-time, unionized janitorial work. They are part-time members of CUPE. I spent two years establishing that bargaining unit with Gord Allan, whom you know very well.

The coterminous separate school board does not have unionized part-time workers. They sign individual contracts, or are employed by the board to go in and do less than, or equal to, 20 hours of cleaning a week.

We will be transferring schools in Halton as a function of this bill. There will be a loss of temporary unionized employment. As I read this, those designated as unionized part-time workers will transfer over. That is why I was getting bogged down on this notion of whether they are certified or uncertified, because I have a case in point in Halton.

We are saying that all previous agreements—which in this case would be the individual contracts between the Halton Separate School Board and individuals who go in to clean—would terminate, or only one would terminate to allow for one person who was federated and therefore came across. If I read your amendment correctly, it implies that all those agreements have to be stopped. That is why I was asking the question.

Maybe it is a little clearer for Mr. Allen and maybe he can respond. I cannot vote for this if it is going to hurt my board. I hate to be so parochial.

Mr. Allen: Do you have custodial employees in that board who are unionized?

Mr. Jackson: They are part-time employees who are members of the Canadian Union of Public Employees; they work up to 20 hours a week.

Mr. Allen: They are employed through your board in what fashion? Are they employed directly by the board?

Mr. Jackson: They are employed directly by the board. They have a bargaining unit and they do all the part-time cleaning in our high schools.

Mr. Allen: As I understand the application of this, if one person were designated, that one arrangement would be terminated and he would go over to the separate board. The board would have to hire him on the terms that are appropriate within that board. That board would not be permitted, in the interval, to contract out the custodial services for the schools in its jurisdiction so as to provide to another body the employment arrangement. Therefore, there is no access.

Mr. Jackson: I understand that, but what I am saying is that the employee will transfer to the separate school board and then be faced with a situation where there is no immediate opening and no federation. Your amendment does not say you will guarantee a job to a person who is transferring. That is not what this amendment says. It says that all previous agreements for contracting part-time or temporary services will evaporate. I am trying to understand what that means and that is why I asked lawyers to jump in early in this debate.

Mr. Allen: Contracting out does not preclude making an individual arrangement with an individual person, as you said the Halton board does. Contracting out would be contracting out to another corporate group that would, in turn, provide the service in a general fashion for that institution. That is what contracting out would be, so it is quite a different situation than you are thinking of. It would not jeopardize those kinds of arrangements at all.

Mr. Jackson: The separate school board has Sunshine Cleaning Co. Ltd. in some of the schools that were built prior to a certain period. Because of various discussions with federations, after that anniversary date all subsequent schools are staffed directly by the board by part-time employees.

Mr. Allen: This would preclude the Sunshine Cleaning arrangement. They would have to go

into a direct employment relationship with their own staff.

Mr. Jackson: The Sunshine Cleaning contract with the Halton separate school board would evaporate?

Mr. Allen: Yes.

Mr. Jackson: That is all I wanted to know.

Mr. Chairman: Good. Now that you understand the issues, shall we proceed to a vote on this?

Mr. Davis: We would like a recorded vote and time to get our member in.

Mr. Chairman: Sure.

Mr. Davis: I need 20 minutes.

Mr. Chairman: We do not have 20 minutes at this stage. Do you know where your member is?

Mr. Davis: No.

Mr. Chairman: Try to get him in and we will take the vote.

Mr. Davis: I do not understand why you do not have 20 minutes.

Mr. Chairman: We adjourn as I see the clock and we may adjourn prior to that or we may take that vote. So go get your member.

Mr. Davis: I need some clarification. I understand we have 20 minutes to get our member.

Mr. Chairman: That is right.

Mr. Davis: Then we do not have to appear back here for 20 minutes.

Mr. Chairman: That is right.

Mr. Davis: If we do not appear back in here by 6:30, no vote will be taken?

Mr. Chairman: No, that is not true. If I do not see the clock, I do not see the clock. Go and get your member.

Mr. Davis: I would like to register a complaint officially. This meeting ends at 6:30 p.m.

Mr. Chairman: All I can tell you is that by my watch it is around 6:19 p.m. and I am waiting for you to bring in your member for a vote. Please go ahead and do so.

Mr. Jackson: He may be in the House; he may be in his office. Check and see.

Mr. Davis: We will register an official complaint.

Mr. Chairman: Please do.

Mr. Davis: As I understand it, the rules say we have 20 minutes to get a member in here; the whole 20 minutes, not 10 minutes, not five, not six minutes.

Mr. Chairman: It says you have up to 20 minutes and I am saying that it is now 6:19 p.m. and I am waiting for you to bring in your member.

Mr. Davis: It is 6:20 p.m.

Mr. Chairman: I am saying it is 6:19 p.m.

Mr. Reville: Why do we not just vote on this?

Mr. Jackson: While Mr. Davis goes out to find Mr. Baetz, could I ask Mr. Allen why he removed the words "except for services required"?

Mr. Chairman: No, I am afraid not. A vote has been called and we are now waiting for a member to be brought in.

Mr. Jackson: Okay.

Mr. Chairman: There is no further debate.

6:20 p.m.

Mr. Davis: I will find him.

Clerk of the Committee: He is in the House and the Clerk is going to tell him to come here.

Mr. Jackson: Is he speaking?

Clerk of the Committee: No, not that I know of.

Mr. Jackson: That is where I thought he was. I did not have far to look for him. Thank you.

Mr. Chairman: All members are here. We will take a recorded vote on subsections 136kb(1) to (3).

The committee divided on Mr. Allen's motion, which was negated on the following vote:

Ayes

Allen, Reville.

Nays

Andrewes, Baetz, Davis, Epp, Jackson, Miller, G. I., Offer, Reycraft.

Ayes 2; nays 8.

Mr. Allen: Would you consider the reintroduction of this motion with the exception of "for services required on a temporary basis because of the absence of regular support staff" and take the vote again on the motion?

Mr. Chairman: No. It is substantially the same motion with one minor change. I will not accept it.

Mr. Jackson: Is that because Mr. Allen introduced it, or would you allow me to introduce it?

Mr. Chairman: It is the same for either of you. You can introduce it at another time, but it cannot follow the previous motion immediately

unless there is a substantial change, and I do not see that as a substantial change.

Mr. Allen: Can I give you a motion that has a substantial change?

Mr. Chairman: Certainly, yes.

Mr. Davis: On a point of order, Mr. Chairman: You cannot do this.

Mr. Chairman: You cannot keep voting on the same thing.

Mr. Jackson: You knew what I was doing. When we were trying to get Mr. Baetz, I wanted to introduce an amendment to put it back in its original form. You ruled me out of order.

Mr. Chairman: That was because the vote had been called, so it was not in order.

Mr. Jackson: I am learning.

Mr. Chairman: If this is where we are going on this, that there will now be a series of new options around contracting out, if that is what I gather we are going to receive, I think I will have to call the other in order as well. I thought we had made a decision around a section here. It does not appear that we have, and there will be motions forthcoming from either Mr. Jackson or Mr. Allen on this. As a result, I will consider both matters still open.

Mr. Jackson: Both matters?

Mr. Chairman: Yes. I also see this as a replacement motion for what we did not agree to. If that is the case, inclusion of the exemption might be seen as substantial enough if we are going to take this as being in order as well. Mr. Jackson, you said you wished to make an amendment on the other matter. Would you prefer that or would you prefer to have this read into the record first?

Mr. Jackson: Let us do this first so that I can understand it.

Mr. Chairman: Thank you. Mr. Allen, would you like to move this?

Mr. Allen: If you are considering the two side by side, obviously I would prefer to see the

slightly amended version of the original 136kb, but if you wish simply to have this read so that people can understand what it is doing, I will do so. However, it is a considerable fallback from the original motion.

Mr. Chairman: Given the time, it would be appropriate if we read it into the record now. If you wish to withdraw it later, you may do so.

Mr. Allen moves that section 2 of the bill be amended by adding thereto the following section:

"136kb. (1) A Roman Catholic school board that elects to perform the duties of a secondary school board shall not contract with third parties for the provision of service in buildings or facilities or in respect of programs that have been transferred to it by a public board or that the Roman Catholic school board has elected to provide under this act."

Mr. Allen: Whereas the original motion applied to both public and separate boards, this applies only in the case where buildings or facilities have been transferred from public to separate boards, and in those cases the Roman Catholic board shall not contract with third parties to provide for the support staff services in those buildings.

Mr. Reyecraft: My concerns about this amendment are very similar to the ones I expressed about the amendment we just defeated. There are separate secondary schools in which Roman Catholic private schools are currently offering grades 12 and 13, where contracted services are now in existence, as is commonly done right across the province, for such things as cafeteria services and work outside the building. This specifies "in buildings or facilities," and I am not sure how that should be defined, but again we are in the position of nullifying contracts that are already in existence. I cannot support that kind of amendment.

Mr. Chairman: Mr. Reyecraft, it is 6:30 p.m. We will adjourn until Monday.

The committee adjourned at 6:30 p.m.

ERRATA

No.	Page	Column	Line	Should read:
S-1	S-26	1	49	related absolutely to the question of access. It is well known by the public of Ontario that the policy of the government is that there shall be open access to both school systems. A student may be eligible as a resident of a public

CONTENTS

Thursday, May 22, 1986

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-121
Adjournment	S-139

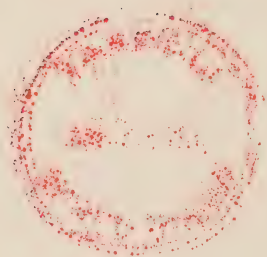
SPEAKERS IN THIS ISSUE

- Allen, R. (Hamilton West NDP)
- Andrewes, P. W. (Lincoln PC)
- Davis, W. C. (Scarborough Centre PC)
- Epp, H. A. (Waterloo North L)
- Jackson, C. (Burlington South PC)
- Johnston, R. F., Chairman (Scarborough West NDP)
- Reville, D., Vice-Chairman (Riverdale NDP)
- Reycraft, D. R. (Middlesex L)

Witnesses:

From the Ministry of Education:

- Clifford, J. F., Executive Director, Education Services Division
- Kirkwood, W. T., Education Officer, Legislation Branch



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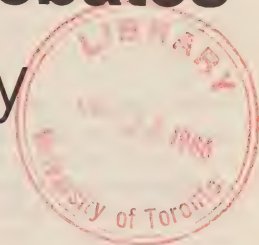


No. S-6

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Monday, May 26, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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Vice-Chairman: Reville, D. (Riverdale NDP)

Allen, R. (Hamilton West NDP)

Andrewes, P. W. (Lincoln PC)

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday, May 26, 1986

The committee met at 3:51 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, An Act to amend the Education Act.

On section 2:

Mr. Chairman: I call the meeting to order. As we left our deliberations on this continuing saga last week, we were about to discuss a new subsection 136kb(1), which had been read into the record by the member for Hamilton West (Mr. Allen).

We concluded the debate on the initial matter and I said I would find this in order, as well as the proposed amendment Mr. Jackson was considering at the time; subsequent to this one, if necessary.

Do members have the amendment in front of them? It is a very short one. I will read it to you because I am that kind of guy.

Mr. Reyecraft: On a point of order, Mr. Chairman: Perhaps Mr. Davis can advise me whether we are going to see an amendment from Mr. Jackson. I understand that amendments, whenever possible, are to be presented two hours in advance for committee members. If we do not have them ahead of time, it is difficult to give consideration to their implications.

Mr. Chairman: Do you know Mr. Jackson's intentions, Mr. Davis?

Mr. Davis: No, Mr. Chairman.

Mr. Reyecraft: You have been most helpful.

Mr. Chairman: We have been surprised by many things throughout.

Mr. Allen, do you wish to proceed on subsection 136kb(1)?

Mr. Allen: We can proceed very quickly with this. It is a fallback motion to the one discussed and voted on last day and lost. I simply want to try it on members. It does not go nearly as far as we would like and I recognize certain significant weaknesses in it, but I lay it before members in case it has something that appeals to the objections raised against the other motion.

I will say no more than that about it and leave it in your hands. I will be happy to proceed with a quick vote on the question.

Mr. Chairman: I recall that Mr. Reyecraft stated that his objections to it were similar to those on the previous one.

I was giving Mr. Davis a chance to read it. He did not have his copy with him.

Mr. Davis: I would like some clarification to help me procedurally first. I understood Mr. Jackson wanted to comment on this and was going to move an amendment. He had to make a phone call and is on his way.

Mr. Chairman: If you remember the original one we dealt with, a section about exemptions had been taken out and Mr. Jackson wanted to find some wording to replace it, and maybe some other alternatives. It was quite substantially different from this one.

I propose to deal with this, if we can, because this was not of interest to him. If this should not pass, we will not close off the section until he arrives and tells us what he wants. Instead we will move on to section 136l and come back to it, if necessary, to deal with the motion he had been talking about presenting at that time. He is here now, so we can check it out.

Mr. Jackson, we were talking procedurally here. As you may recall, when we ended last day on section 136kb, the one motion had been voted down. You wanted to move a motion that would have amended the initial one somewhat. I had ruled it out of order, then realized there might be many other motions coming forward, including the one Mr. Allen placed, which I found to be in order. I had said we would find yours in order as well.

In answer to something Mr. Davis just asked, I assumed you did not actually want to amend the new subsection 136kb(1), but the original subsection 136kb(1) that had been suggested. Am I correct on that? Can we dispense with the one we are dealing with before going to your proposed amendment?

Mr. Jackson: Yes. I was interested in taking Dr. Allen's amendment and returning it to its original state.

Mr. Chairman: The exemptions provision.

Why do we not deal with the one we have before us, the short, one-paragraph business? I do not know if you still have a copy of it, but I gave my copy to Mr. Davis if you want to see it.

It is substantially different. Mr. Reycraft has already indicated for the government that he is not willing to support it. It is a new approach, but not the same as what you were suggesting.

Mr. Jackson: As I recall, this was just tabled. Why do we not deal with this?

Mr. Chairman: Mr. Allen has spoken briefly. Mr. Reycraft says his position is the same as it was last day, and I was waiting to see if you had any comment or wished to move to a vote on it.

Mr. Jackson: We will move to a vote. I certainly do not want to slow things down.

Mr. Chairman: All those in favour of subsection 136kb(1) as moved by Mr. Allen, please indicate. Those opposed? The motion is defeated five to two.

Motion negatived.

Mr. Chairman: Mr. Jackson moves that section 2 of the bill be amended by adding thereto the following section:

"136kb. (1) Where a Roman Catholic school board elects to perform the duties of a secondary school board, neither the public board nor the Roman Catholic school board to which subsection 136l(1) applies shall contract with third parties for the provision of support services, except for services required on a temporary basis because of the absence of regular support staff, during the first 10 school years during which the Roman Catholic school board performs such duties."

It is in order, as I ruled on the previous day. Do you wish to speak to it, or are the arguments the same as—

Mr. Jackson: My memory serves me well, as I am sure it does the rest of the committee.

Mr. Chairman: The arguments were made on the original motion when part of it was left out. Any further comment?

Mr. Reycraft: For the same reasons I mentioned on Thursday, we cannot support this amendment.

First of all, it declares null and void many existing contracts between separate school boards and other groups, between public boards and other groups. Legislation that does that kind of thing can be extremely bad, in my opinion.

There are a number of agreements where great difficulties would be presented, not only for the school boards but for the students they serve. One that comes to mind immediately is cafeteria services, which are provided by boards on a contract basis. My interpretation of what Mr. Jackson has moved suggests that those would be

invalidated. The same kind of logic can be extended to a number of different areas.

We will continue to oppose this kind of action.

4 p.m.

Mr. Chairman: Are there other speakers? If not, let us take the vote on Mr. Jackson's subsection 136kb(1), which has been read to you.

All those in favour, please indicate. Those opposed?

Motion negatived.

Mr. Chairman: We will now move on to subsection 136l(1). This is one of the very long sections, and the steering committee stewed over how best to do it. I am in your hands, but it might be wise, rather than reading the entire revised government position on this into the record, that we start off and do it subclause by subclause. Is that appropriate? No?

Mr. Davis: You have problems in a number of areas from the government and from the New Democratic Party amendments. The new ones from the NDP, for example, impinge upon large sections. I do not know how you can deal with that unless the large sections are read into the record.

Mr. Chairman: I am willing to try to do it any way we can. If we read the whole thing through, there are several distinct matters dealt with under section 136l, if I could put it that way. We could try to segment it out by subject matter if you want and deal with each one of those. There are three alternatives being proposed here.

We could read the whole thing in and then go back and do it clause by clause anyhow and try to fit in people's amendments as best we can, but it might be just as easy for me to have the government member, for instance, read in subsection 136l(1), and then, because you have a subsection (1) as well, read yours in and then have Mr. Allen do it.

From that point on, as we debate that and decide which subsection (1) we will go with, if you then wish to suggest, for instance, that prior to the government's subsection (2) there is something that should be considered, and you want to lift that subsection from your package, I will be happy to entertain it at that stage as a new subsection 136l(1a) or whatever, to make sure we are being coherent in how we deal with this.

Mr. Davis: I am prepared to try it, as long as you will try to deal with the fact that in some of the amendments as I have read them, they really impact all the way through; as long as, when they

come up and if I happen to miss one, you allow us to come back and put that in.

Mr. Chairman: Because of the complexity of this one, I am going to have to rely on each of you to flag those times when we come up with an inconsistency because we picked up, for instance, a Conservative amendment on one thing and an NDP amendment on another thing and those two things did not then jibe with what we had in the original.

Mr. Davis: For further clarification, we will use 136l(1). There are three sections. The NDP has one, we have one and the Liberals have one. Which one will we deal with first?

Mr. Chairman: It would go the normal route. It would be read in initially by the government party, and then you would have the chance to pose yours and the New Democratic Party, if it chose, would have the right to pose its amendments. Then we would deal with them backwards, as always. Let us try it.

Mr. Reyecraft moves that subsection 136l(1), as set out in section 2 of the bill, be struck out and the following substituted therefor:

“A public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board shall designate, in accordance with the regulations unless the two boards agree otherwise, the persons on its supervisory officers staff, elementary teaching staff, secondary teaching staff and other staffs whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board.”

Would you like to speak to that, knowing there are other amendments? Do you want me to take them in and then have the discussion on the notion of 136l(1) all at once? Would you like to say something about yours?

Mr. Reyecraft: I should point out the essential differences in the amendment as it relates to the original section in the bill. Perhaps the most significant aspect is that the bill talked about guidelines, and the amendment suggests those would be replaced by regulations issued by the ministry.

The guidelines under the original bill were proposed by the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario. It puts the policy-making responsibility in the hands of the minister rather than in the hands of the commission, something that was expressed to us as being desirable by a number of groups last summer and fall.

It clarifies the original intent of Bill 30, which was to provide employment protection to teachers and other staff members, at both the secondary and elementary levels, who might be affected by extension. It mentions elementary teaching staff specifically and other staffs as well. That was not in the original section as proposed. I will leave it at that.

Mr. Chairman: Mr. Allen, do you have a procedural matter?

Mr. Allen: I do not know whether this affects anything very much but I want your sense of it. The government motion is an amendment to section 2 of the bill. The official opposition's motion is an amendment to section 2 of the bill. Our motion is a motion amending the government's amendment. Does that alter the way we proceed?

Mr. Chairman: Are you amending what has just been read in?

Mr. Allen: I am amending specifically what has just been read in as distinct from the bill itself. I do not know whether the official opposition intended to convey something to us by its different formulation.

Mr. Chairman: I have to see it as possible that the opposition amendment, if I were to hear it—that is, the one on Mr. Nigro's document—would amend that specific subsection with these following words. You are amending that subsection as well, but as it has already been amended by Mr. Reyecraft. The way this would work, I presume, would be—

Mr. Allen: We are amending their amendment. They are amending the bill, unless they have something else to tell us. If I am amending the government's amendment, then strictly speaking I should follow it.

Mr. Chairman: What I have to do is say that because what we are dealing with here is an amendment to the original subsection in the bill, which has now been proposed by the government, the opposition would be in order to move an amendment to replace that wording entirely, as it does, and amend the original subsection. You would then be in order either to place an amendment to their amendment or to the government motion. I do not see why not.

The difficulty we are having, as Mr. Allen is right to bring up, is that there are two separate matters being raised. One is an amendment to the section and the other is a subamendment to the government motion. Yours is not an amendment to an amendment; it is an amendment to the

original. The distinction is how the ruling should be on that. Mr. Offer wants to help me.

4:10 p.m.

Mr. Offer: With respect to what you are indicating, the government has moved an amendment to the bill. The Conservatives apparently also have an amendment. Is it appropriate that they move an amendment to the government's motion of amendment replacing the government's motion rather than, as in the past, to vote for or against? Once that is completed we will entertain the amendments to those that have already been passed.

Mr. Chairman: You are probably unnecessarily confusing the chair, which is so easily done. We should suggest to the opposition instead that, rather than in your preamble to the motion suggesting you are changing the wording to subsection 136l(1), you should say you are amending the government's motion to read "that." Then Mr. Allen would move that he was amending the government's motion to read as he is and we move that way.

Mr. Davis: That would be no problem because that is really what we do.

Mr. Chairman: Yes. That would be the simplest way of dealing with it without me having to decide which gets preference.

Mr. Allen: That raises a small problem, which is what the official opposition intends with respect to the intervening passages between their subsection 136l(10) and subsection 136l(19). There is a gap. If they are amending the bill they are presuming that the intervening sections in the bill go in the gap. If they are amending the government motion they are presuming that what goes between subsections (10) and (19) is what resides in the government motion. So which document they are amending does make a difference. I want to clarify that.

Mr. Chairman: Until it is moved, I cannot presume what other impacts there are and each of you has the right to raise them in debate along with any problems. You should do so as you get the floor. That would be the easiest way of doing it. Raise those difficulties and then, if they wish them to be withdrawn and introduced another way, that would be possible. If other arguments are made as to why that was the case, then they would be able to respond. That in itself is not a procedural question, but we have to be very careful.

Mr. Davis mentioned earlier making sure we do not lose whole sections of the bill, depending

on which combination of amendments is passed, which may or may not be a good thing.

Mr. Davis: After your brilliant clarification, we will move that section 136l of the act as set out in the government's motion be struck out and the following substituted therefor. As we go through, if we create problems for you, we will make that designation. We are really amending those sections that look like amendments to the bill, because the government has not changed it, and then we will move an amendment to the bill. Does that clarify it?

Mr. Chairman: Sure.

Mr. Davis moves that subsection 136l(1) of the act as set out in the government's motion be struck out and the following substituted therefor:

"136l(1) A public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board shall enter into an agreement, after consultation with relevant employee organizations, associations and unions, with the local Roman Catholic school board designating the persons on its supervisory staff, teaching staffs and other staffs, on both the elementary and secondary school panels, whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board."

Mr. Davis: Primarily, all we have placed into the legislation is that there should be a consultative process with the relevant employee organizations affected in the designating process. Rather than leaving the determinations solely to the jurisdiction of the board, we are asking for that kind of discussion so that everybody in the process has some input and is happy with the final resolution.

Mr. Chairman: I presume, Mr. Allen, you would like to place your motion. I suggest you add to your wording on the government motion, "as amended" now be struck out. Is that fair?

Mr. Allen: "As amended," yes.

Mr. Chairman: We now have on the table the amendment by the Conservative Party. Do you follow?

Mr. Allen: If I may preface my motion by a remark or two, we had originally tabled a complete amended section 136l to the bill. Some of the passages in that corresponded with the original bill and with the government's motion.

At the time we tabled or publicized that section, we did not know what was contained in the regulations. Having seen what is in the regulations, we are concerned to simplify what

we had in the first number of subsections, as well as in one or two other parts of the section. If I may, I would like to move a motion which replaces the subsection 136l(1) that the Conservative critic has just read into the record with what amounts to five new clauses. I will read them, and you may dispose of them accordingly.

I do not think these items have been circulated to the committee at large, although I know my fellow critics have seen them.

Mr. Chairman: I guess I should see them. I am hearing that there is a motion to amend the original subsection 136l(1). You actually want to replace the original subsection 1, through the amending process we have just had before us, with five clauses. Is that what I am understanding?

Mr. Allen: Yes. Our proposal was to replace everything prior to subsection 136l(2)—in the government motion, originally, and now subsection 2 in the Tory motion—with five clauses.

Mr. Chairman: There are two ways we can do it. I will leave this up to the members to help me, because I did indicate that we would go one by one. We could have it all as one, and have your numbering slightly changed to Roman numerals, or something, for the four or five clauses.

Clerk of the Committee: Letters.

Mr. Chairman: Yes. If they were to pass, they could all be considered as one subsection.

Looking at yours, it would read, for instance, as subsection 136l(1). Maybe, instead of having subsection 2, you could have clause (a), and then Roman numerals replacing (a), (b) and (c). Then you would go to (c), (d) and (e), or something like that, for the other numbers. That could all replace subsection 136l(1), if you want to do it that way. If it were to pass, the numbering could be changed later on to meet the desires of the members of legal counsel.

Alternatively, you could just move the first clause you have there, but speak to the need for these other things to be a part of that before we got to a subsection 2. Then we could go through each of those subsequent to that. I am in the hands of the committee as to which of those two approaches you would like to take. Is what I have just suggested clear?

Mr. Davis: I have no problem supporting your second suggestion, dealing with subsection 1 and then subsection 2. I really need some legal help. Can a person place an amendment to an amendment when a third amendment literally obliterates the other two amendments, just takes

them off the discussion paper? Is that not a brand-new motion that has to come after the amendments to the amendments have been defeated?

I am having some difficulty understanding it, because what Mr. Allen is effectively doing by placing his suggestion is eliminating the two other amendments. I am not sure an amendment can remove others.

Mr. Chairman: Yes, it can on a subsection. For instance, what yours does is to entirely replace the wording of another one. Yes, it can be done.

The question I wanted to clarify was what you wanted to do with this procedurally. There are two ways in which he can do what he is trying to do, with the will of the committee on the votes, obviously. That is presumed. One would be to change the numbering of his subsection 136l(1) in such a way that it would not be divided into clauses but subsections—if I can put it that way. That would be in order.

The other way would be to deal only with the first subsection 1, but in speaking to subsection 1 as we see it now, if they were to pass, speak to why they must follow before we would ever move to a subsection 2 as listed in the original act, in the government's amendment or whatever.

As far as I am concerned, either of those two things would be in order. I am basically looking for what you think would be the efficacious way of proceeding.

4:20 p.m.

Mr. Davis: I think we should do subsection 1 and then indicate why subsection 2 is important.

Mr. Chairman: Mr. Reycraft, is there any help from you on this?

Mr. Reycraft: No.

Mr. Chairman: Mr. Allen, what is your wish? Which would you prefer? It is your motion.

Mr. Allen: Either way would work, Mr. Chairman. I think I am quite happy. I can renumber them in such a way as to make them all subsection 136l(1).

Mr. Chairman: If you can, why do you not?

Mr. Reycraft: It would appear that subsections 2, 3, 4 and 5 are related directly and consequent to subsection 1. Therefore, changing the numbers to 1(a), (b), (c), (d) and (e) and having them all read in now would seem to me to make more sense than trying to deal with just the first part of it.

Mr. Chairman: Mr. Allen, that is the advice to you. If that is what you would like to try to do, as you read your motion into the record, would you do a renumbering for us?

Mr. Allen moves that section 136l of the act, as set out in the Progressive Conservative motion, be amended as follows:

"136l(1) A public board that has jurisdiction in an area that is also the area or part of the area of the jurisdiction of a Roman Catholic school board shall designate, in accordance with the regulations or by agreement between the boards, the persons on the supervisory officer's staff, elementary teaching staff, secondary teaching staff and support staff whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board.

"(1a) The regulations or agreement referred to in subsection 136l(1) shall provide for:

"(a) the exchange of enrolment and other data between the boards so as to enable the public board to make the calculations necessary to determine the designation referred to in subsection 136l(1);

"(b) methods for encouraging voluntary transfers of public board teachers and supervisor officers to positions with the Roman Catholic school board and for treating such transfers as designated persons with all rights and entitlements provided for by this act;

"(c) a right of first refusal, on the basis of seniority, for designated persons with respect to positions that become vacant in the public board.

"(1b) In determining the designation referred to in subsection 136l(1) and in implementing its employment policy thereafter, the public board shall endeavour to maintain and promote affirmative action with respect to the employment of women on its teaching staff.

"(1c) The regulations or agreements referred to in subsection 136l(1) may contain additional provisions but in no case shall such additions contravene the provisions stipulated in clause 136l(1)(1a).

"(1d) No agreement under subsection 136l(1) shall render inoperative a provision in a collective agreement unless the branch affiliate or affiliates concerned agree in writing to an amendment to the collective agreement."

Mr. Chairman: I wanted to note that the last paragraph, which you did not read in, is not a part.

Mr. Allen: No, that is no longer applicable since the numbering has been accommodated to

the original numbering of the government motion.

Mr. Chairman: That motion would be in order. Would you like to speak to it?

Mr. Allen: I would like to say a few words in addition to my previous remarks about what we felt was an efficient adjustment of our original motion to accommodate elements that were obviously coming forward in the regulations and, therefore, to consolidate and expedite the affairs of this committee.

You will note that subsection 136l(1), as it stands, is identical to our original intent or motion, and also to the government's motion.

With respect to the process that concerned us for a number of clauses, we decided to bring forward from the regulations the highlights that we thought were absolutely critical to have in the act itself. In particular, there was the issue of the exchange of enrolment and other data, the question of voluntary transfers which we thought was the principal vehicle that we wished to expedite through the bill, and a right of first refusal which made it possible for transfer-designated teachers to have first choice in new positions that opened up in the public board.

We wanted to include in this initial part, two items in particular that arose out of general concerns about designation. One of them had to do with affirmative action. You will remember we had a clause which originally was much more stringent than this and much more specific but which, we became persuaded, was not easily workable.

With respect to clause 136l(1d), there was the concern that in all cases the collective agreement should have an override clause in the early stages of this section in particular. We thought this would be a helpful location for that, which was a later item in our amendment. I jumped over clause 136l(1c), which was simply a clause to give some latitude to the application of subsection 136l(1).

As I read through the amendments that the Tory critic has offered, I do not think there is any conflict with specific items that he introduces later in any of his amendments, as far as these particular items are concerned. I think most, if not all of them, in particular clauses 1(b) through 1(d), are new items as far as his series of amendments is concerned.

Mr. Reycraft: Can you help me out with the application of these clauses? Are we talking about section 136l, subsections (1a) to (1d), or subsection 136l(1) and below it clauses (a) to (d)?

Mr. Chairman: Why does legal counsel does not give us some assistance here with designation?

Mr. Revell: Where it says "subsection 2," which is the line that reads "The regulations or agreement referred to..." it should be changed to read as (1a). Where it says "subsection 3," which is the line that begins "In determining the designation referred..." the "3" becomes (1b). Subsection 4, beginning "The regulations or agreement referred to in subsection..." becomes (1c). Subsection 5, which begins "No agreement under subsection 136l(1)..." becomes (1d). In subsection (1c), which was just numbered, there is an internal reference at the very end of it, "the provisions stipulated in subsection 136l(2)," which should read 136l(1a).

Mr. Allen: In relation to my other remarks, I would like to add that since we are considering these side by side with respect to the Conservative amendment, as I read the regulations, the central phrasing in there with respect to "after consultation with relevant employee organizations, associations and unions," is in the regulations on page 6, section 15, where it notes coterminous boards "shall consult with the branch affiliates under the collective agreements in respect of all activities of the coterminous boards required or implemented under this regulation."

We would have inserted a clause to that effect if that had not been in the regulations. I would like the government members present to assure us that clause will stay in the regulations, since these are draft regulations.

4:30 p.m.

The other item I have some concern about has to do with the issue of secondments. I deliberately did not put them in the upfront position in the bill. In the consideration we gave this, it was very lengthy. We did not feel that we wanted to put that on the same status.

None the less, I refer to the regulations, clause 11(c), where it reads, "use of voluntary transfers of employment other than resignations referred to in clause (b), secondments, sabbaticals and other leaves of absence and any other scheme or plan acceptable under the collective agreements of the public board." I would like some assurance from the government members that this part of the regulations is firmly in place. If it is not there in exact words, I would like to know at least that this intent will stay within the regulations as they may be modified in some other respects after the consideration of the bill itself is completed.

Mr. Reyecraft: I will speak to the whole section and then, towards the end, address the last couple of concerns that Dr. Allen has mentioned.

As we look at this collection of amendments compared to the original proposed amendments from the New Democratic Party, we have a great deal more sympathy for these than we did for the amendments that were presented originally. As I look at subsection 136l(1), I see no substantial difference between that and what we have proposed as an amendment to the bill.

Looking at subsection 136l(1a) and the three clauses under it, the concept of exchanging enrolment and other data and the concept of encouraging voluntary transfers are two that we thought we had addressed through the regulations. We support strongly both of those measures.

Clause 136l(1a)(c) talks about "a right of first refusal, on the basis of seniority." We have no objection to the essence of that. It is something we support strongly, and we assumed it would be dealt with through other legislation and that it did not need to be addressed specifically as a part of this bill, but there is no problem with it.

With regard to subsection 136l(1b), the promotion of affirmative action is something the ministry has strongly endorsed for some time, to the extent of putting programs in place that would encourage the enhancement of the role of women within teaching staffs and other staffs in the education system. There is no objection to that.

With regard to subsections 136l(1c) and (1d), there are provisions within the draft regulations that address essentially the same concerns.

As a group, and assuming that the related amendments as originally proposed by the New Democratic Party are withdrawn, we are prepared to support the amendments.

With respect to Mr. Allen's concerns about consultation, he has identified correctly section 15 of the draft regulations, which deals with that matter, and it is our position that this should take place. It was always our assumption that those agreements between boards would be determined only with negotiation with the branch affiliates and affected employee groups.

Similarly, the idea of using secondment as an option for dealing with the matter of displaced teachers and teacher transfer from a public to a separate board is something that has been supported by the government in the past under the guidelines established by the planning and implementation commission, not only with respect to the section quoted in the draft

regulations but also with respect to some other sections of those regulations as well. We support both. We believe the secondment option should be available to boards and employee groups as one of the ways of dealing with the transfer of displaced teachers.

Mr. Davis: One of my concerns is that regulations can be changed without having been referred back to the Legislature. One would never wish to accuse any government of playing with or manipulating regulations, but that possibility always exists. One of the concerns we have is that everything is now going to be tied to a regulation. We have no jurisdiction in regulations. We certainly thank the honourable minister for providing the regulations for us, but he did not have to do that.

I have a number of questions I would like clarified before we attempt to deal with the resolutions before us. One of the questions I have is that we attempted in our resolutions to deal with the determination of the number of persons who should be transferred back and forth.

I went through the regulations and I wonder whether someone can comment on why the regulations for determining the enrolment shifts and so forth are so substantially different, in my understanding, from those used by the planning and implementation commission in its guidelines. What are the differences?

Mr. Reycraft: I do not believe there is a substantial difference between the regulations and the guidelines established by the PIC, particularly for the 1985-86 school year. Perhaps, if Mr. Davis has some specific concerns within the draft regulations, I will attempt to address those, or ministry legal personnel will be able to help us.

Mr. Davis: In our recommendation for section 136l(3)—which, by the way, uses the wording of the planning and implementation guidelines—we say:

"If the two boards cannot agree on the number of positions to be designated, then the number shall be calculated by:

"(a) determining the enrolment shift as the sum of the number of pupils transferring from the public school system to the separate school system and the number of pupils choosing to remain in the Roman Catholic separate schools based on the increase in the retention rate over that of the previous September in the separate school and private system; and

"(b) using the arrived-at number of students in the enrolment shift and the staffing formula of the public board of education."

When you read the regulations, they are very detailed. They say, for example, "The enrolment shift for 1986 is the sum of the enrolment shift for grades 9, 11 and 12 calculated using the increase in the retention rates over those in 1984 and the enrolment shift for grade 10 calculated using the increase in the retention rate over 1985."

Part of those rates, and it is not mentioned anywhere here, would be the transfer of grade 8s, the retention of grade 7 and 8 students, because they impact on the enrolment as you move into secondary school. It seems to me that these are much more detailed, unless there were details of which I was not aware in the planning and implementation guidelines. It seemed very straightforward to me, so perhaps Mr. Reycraft would like to indicate to me how the process works.

Mr. Reycraft: May I refer that question to Mr. Kirkwood?

Mr. Chairman: I am sure he would enjoy that a great deal.

Mr. Kirkwood: The regulation was drafted in consultation with the officials of the planning and implementation commission. It is one thing to talk in the generalities of what a policy is, and it is another matter to nail down the exact, precise wording one puts on an arithmetical formula. This draft regulation attempts to put those formulae into words.

Mr. Allen: Mr. Chairman, on a point of order: I am not quite sure to which section of my amendment Mr. Davis is directing his remarks. If it is clause 136l(1a)(a), that is very general and does not pin down any of those details. If he is specifically addressing his own clause 136l(3)(a), where he does begin talking about enrolment shifts, that is another matter. I am not quite sure I understand the direction of his concern at the moment.

4:40 p.m.

Mr. Chairman: I was taking it as a general statement about the merits of his amendment over your amendment to his amendment, essentially. There was an implication in his that there would be more things spelled out in the act than in the regulations, and that in yours there were specific things being noted immediately for inclusion only in the regulations. However, when I look at the wording of Mr. Davis's subsection 136l(1), I have to admit that it does not say anything specific about the regulations. That does come in subsequent sections, as you say, but it is implied in yours in terms of an approach.

Mr. Davis: Are we voting on subsection 136l(1) of Mr. Allen's, or are we dealing with the whole issue: subsections 136l(1), (1a), (1b), (1c) and (1d)?

Mr. Chairman: Until I hear otherwise, because it was read in its entirety, I presume we are debating it in its entirety at this point.

Mr. Davis: Then I assume my question is in order.

Mr. Chairman: I have not ruled it out of order.

Mr. Davis: Thank you. I was wondering whether Mr. Allen would define or clarify for me his clause 136l(1a)(c), which is the right of first refusal on the basis of seniority. I am not sure I understand that totally.

Mr. Allen: It declares that a person who has been designated and has transferred to the separate system will have the right of first refusal with respect to positions that open up in the public board for which his qualifications are appropriate and on the basis of seniority among other applicants who might similarly wish to apply for that position from among the designated teachers.

Mr. Davis: For further clarification, this means that a teacher who is a designated teacher who moves across this coming September 1986 and teaches in the separate board for a year has the right to apply next year for an open position for which he qualifies in the public board in the same jurisdiction.

Mr. Allen: If he has the appropriate qualifications and if he is the most senior applicant who applies from among the designated teachers.

Mr. Davis: In other words, it is a bumping system in the respect that a teacher who is designated to go across by either—are you talking about the volunteer person as well, Mr. Allen?

Mr. Allen: Yes. Anyone who is in the designated group, and volunteers are in that group.

Mr. Davis: A person who now volunteers to go across can change his mind next year and come back, provided there is a position available, and bump somebody who has stayed in the public system, who may be declared redundant to the system because of declining enrolment.

Mr. Allen: That is entirely possible.

Mr. Davis: Entirely possible. You bet it is. Did you consider that?

Mr. Allen: Yes.

Mr. Davis: What you are saying, then—

Mr. Allen: Because we are supposing that the seniority relationship for this designated group—you will recall that when we were talking about them transferring from the public to the separate system, they carry across certain things with them. They carry across salary rights, benefit rights and their seniority. In that sense they do not bump anybody. They retain their seniority standing, and therefore their access back is on the basis of seniority as well. It is not a case of intruding in something in which they have no place being.

Mr. Reycraft: I am not sure whether Mr. Davis is deliberate with his use of the word "bumping," but I have always interpreted that mechanism as something that is used to displace somebody else from a position he is in. The amendment, as Dr. Allen has proposed it, talks about the first right of refusal for positions that are already vacant and that would be advertised to indicate that designated teachers, on the basis of seniority, would get the first opportunity to fill those vacant positions within the public system.

Mr. Davis: I want to pursue this. If the designated teacher moves back across, is the Roman Catholic board required to fill that position with another designated teacher, or can it hire a Roman Catholic teacher by advertising generally throughout the province or the local area or however?

Mr. Chairman: No matter what the intent is later, which you could speak to, it is certainly not covered in what we have before us.

Mr. Allen: I think the regulations would have to spell out those details quite clearly. My sense of the matter is that overall numbers of designated teachers would still be the responsibility of the Catholic system. Therefore, people returning within this 10-year period would in turn open up a spot in the designated numbers, which would have to be filled from the public system again.

Mr. Reycraft: I do not think it would be difficult to cover that kind of situation through the regulations. It is not unprecedented. Perhaps Mr. Kirkwood can direct me to the relevant section, but it is my understanding that such a mechanism is already in place to provide a corrective action with respect to seconded teachers who might move back to the public system, having spent a year or more in the separate system. It would be the same type of corrective action. I am sure that is in the draft regulations, but I cannot identify the section.

Mr. Chairman: Mr. Kirkwood is trying to track it down. Why do we not proceed? If he finds the number, then you will have a reference.

Mr. Davis: My other question on this issue is to Mr. Allen. I am trying to clarify it.

Let us say a teacher volunteers to go across and, in this case, that teacher teaches for the one year. A teacher is declared redundant in the public system because of declining enrolment, which has nothing to do with the separate school system. The teacher has volunteered to go across; it is not like a secondment, which might be for one or two years. I understand a volunteer going across as a person who is going forever.

Now I hear Mr. Allen saying we might be able to move that person back again. At the end of that year, he applies to come back to the position that is designated. A teacher has been declared redundant because there is declining enrolment in the system. Let us say it is a history teacher, for example. For fun, let us say they both have 15 years' seniority and one signed one minute before the other, because that is how technical it gets. The volunteer teacher coming back is awarded that position because he has first-refusal rights. The teacher who is redundant and normally would have picked up that position because it is available now becomes not only surplus to his system but also does not have a job any more.

If I understand this correctly, by moving a teacher back across the system, you create teachers to be terminated from school boards. They have been declared redundant because of declining enrolment and they cannot access back in even though they qualify, because now a volunteer has moved across.

Mr. Allen: I think Mr. Davis is starting a lot of false hares running in this section. The supposition that volunteer teachers are going to be coming back is a very unlikely one. Personally, I think this will apply primarily to those teachers who did not volunteer, who went across on the basis of designation through seniority and perhaps were not happy about having been designated. This gives them a right and a route to return. To spend our time arguing that people who volunteered are going to unvolunteer is a waste of time.

4:50 p.m.

Since the positions we are talking about are ones for which one would have to have qualifications, presumably all one is saying is that there should be a fair competition. The volunteer teacher who went across and might want to return should have access to the competition for that position. The redundant teacher Mr. Davis talks about would presumably be awarded that position if he had qualifications

and seniority above a volunteer teacher. I do not see it as a great problem.

Mr. Reycraft: The subsection I was referring to is subsection 12(2). It addresses the concern Mr. Davis has expressed. It would provide for a balancing effect in that type of dislocation. Should I read it?

Mr. Chairman: No. Mr. Davis has it before him.

Mr. Reycraft: It states in general terms that the number of designated positions in subsequent years will be increased by the number of secondments that are terminated. That is the essence of the regulation. It would address that concern.

A number of people have stressed to us the desirability of encouraging voluntary transfer. Dr. Allen's amendment, as proposed, does exactly that to a considerable extent. It would provide some measure of security to a teacher with a public board who might wish to transfer to the separate system and not be entirely confident that it was the right thing to do. Once there, having found it did not meet his expectations and did not prove to be satisfactory, for whatever reason, there would then be this opportunity available to him, this right of first refusal, to fill a vacant position in the public board from which he had resigned.

Mr. Davis: It may be bothersome to my colleague the Education critic for the New Democratic Party, who sometimes likes to ride right over the depth of his recommendations. This does not say a volunteer teacher cannot transfer back. My concern is that it has not been made clear to me so far that, because of this right of first refusal, public secondary school teachers will not lose their jobs because of the process of seniority and declaring a person redundant because of declining enrolment to assist him. It has nothing to do with separate schools, but the impact comes through another way. I am having great difficulty with that.

Mr. Allen: May I answer again and perhaps take another stab at it?

Mr. Chairman: Go ahead.

Mr. Allen: If one reads the regulation that was just read to us or that we just read to ourselves, what happens is that when this teacher goes back to the public system there is a spot opened up in the designated numbers which then has to be filled from the public board. The hypothetical person Mr. Davis is concerned about, who will be made redundant, can transfer into the separate system, or if not him, then somebody else will

take advantage of that position. In other words, it will open up a vacant spot on the public board and the person he is concerned about moves up into it. There is no loss in the transfer mechanism of the type Mr. Davis is concerned about.

Mr. Davis: There can be redundancy and loss of jobs in this process.

I have a question of clarification. When we begin to vote, can we make amendments to those that are there? Is that correct?

Mr. Chairman: Yes. There are two ways. We could either subdivide the section and have amendments to the clauses of the subsections, or we could have a present subamendment proposed to what is before us in its entirety, however you would like to go.

Mr. Davis: I need your advice. We can keep raising questions on this because I think it is one whole section?

Mr. Chairman: Do you want to subdivide it and start going through it?

Mr. Davis: No. I would rather do it the long way first, because it may impact on how we vote on the first one.

On subsection 136l(1b), on affirmative action, how does Mr. Allen intend the board to "maintain and promote affirmative action with respect to the employment of women on its teaching staff"? It is nice to make the statement. What are the practicalities?

Mr. Chairman: Mr. Allen, while you were talking to the minister Mr. Davis was asking you to explain the practical application of subsection 136l(1b) in the whole question of affirmative action.

Mr. Allen: If you recall, we originally had in our publicized amendments a clause which related to maintaining the male-female teaching staff ratios. In the course of going through the designating process, that appealed to us in the first instance as a workable solution. The more we looked at it and tried to imagine how it would work, it got horribly complicated and virtually unworkable. I would not have been surprised to have had a question from Mr. Davis asking me how that would work, and I would have had some difficulty answering him in detail, or even satisfying myself with it.

This more general phrasing is an attempt to keep that issue before the public board as it goes about the designating process and as it goes about the hiring process in the wake of the designation process. What is intended here is not to provide a mechanism by which the board will engage in affirmative action, but to provide a principle that

we want it to maintain at the forefront of its designation and subsequent employment process in order to maintain the male-female ratios and to provide affirmative action in the secondary panel for women teachers.

Mr. Jackson: My question would be to the ministry staff. Given Mr. Allen's explanation, would it not constitute a grievance in its present form? This reference to affirmative action, "the public board shall endeavour to maintain," means it is a grievable item where it is proven that a board made no attempt to be sensitive to affirmative action. If it is a grievable offence, and they have the act for recourse, would it then not be a legal issue which could be addressed?

I understand what Dr. Allen is saying, but are we creating a greater headache if a school board does not comply with it? If, in all of our dreams and philosophies, we cannot come up with a plan, then what are we serving by it? I want to know in what position I have allowed the federations to tie up the system or I have allowed a school board an opportunity to unwittingly get involved in a grievance. I would like the ministry staff to give us some thoughts on it. I do not think it is referred to anywhere in their amendments. If it is not, did they have a reason for that?

Mr. Chairman: If you want to know the reason for amendments, you should ask the parliamentary assistant, but if you want to know the opinion of—

Mr. Jackson: I had that experience with Mr. Ward during the pharmacy bills, and learned how helpful staff was in clarifying the mind of the parliamentary assistant. I thought I would cut out a step.

Mr. Chairman: Mr. Clifford or Mr. Kirkwood, would either of you like to try answering the first matter, on the grievance question?

Mr. Jackson: One was a legal question, regarding litigation.

Mr. Clifford: On the grievance question, it would have to be contained in a collective agreement.

5 p.m.

Mr. Jackson: If that is a short answer, I will give a short reply. There are other references within the bill, as we proceed, to inclusion in the collective agreement. You are saying this process becomes part of a collective agreement which trustees of a public board can arrange independent of a separate board.

Mr. Clifford: My response to you was that if you are going to grieve, there has to be a context for that grievance. I was looking for the

collective agreement context. I would not know of another context for it.

Mr. Jackson: In the absence of it being included in a collective agreement, since it is a provincial act would you go so far as to suggest it is a matter for the courts if an employee feels that an option which he expects to exercise upon returning is somehow not being complied with, given that the act says this board should make a reasonable effort?

I will quote it directly for Hansard, "...the public board shall endeavour to maintain and promote..." This implies that some action and record should be performed. If it is not going to be by grievance and they go to the courts, what impact is that going to have?

Mr. Clifford: The reference I would look at would be section 136m of the bill, the staff dispute resolution, which covers a dispute in respect of designation.

Mr. Chairman: Therefore, we would have to look at that as we have it there, but I concur that would be the appropriate one.

Mr. Reycraft wishes to make a point.

Mr. Reycraft: I want to make the point that in Mr. Jackson's comments there somehow seems to be an assumption that a school board will, in trying to maintain an affirmative action program, take some action that is contrary to its collective agreement. That is not our intent; in fact, it is our intent that this should not happen.

Mr. Jackson: I understand that. If we approve this amendment, I want to make it clear where we stand with regard to grievance and any legal repercussions. The third question I raised, which perhaps Mr. Reycraft can respond to, was with respect to the reasons the government did not refer to this section. Did it see some complications with its implementation which it is not referring to as yet? Would you like to comment?

Mr. Reycraft: The section calls for maintenance and promotion of affirmative action programs. The government and the ministry are already trying to maintain and promote those kinds of programs. We did not feel it was necessary to address that in this bill.

Mr. Jackson: Do you see any difficulties with the seniority aspect? The problem with affirmative action is that it overrides seniority. Is that one of the reasons you had difficulty with it?

Mr. Reycraft: The mechanism for establishing seniority and seniority lists is invariably contained within a collective agreement. It is not our intent that this section should supersede any collective agreement.

Mr. Chairman: Subsection (1d) also states that.

Mr. Jackson: I see some practical problems with subsequently writing collective agreements when the net effect will encumber the process. By the reference in the bill, I cannot see that being helpful to the process. It is very clear that the answer to affirmative action lies with the ministry taking a position and applying some finding or responses that will assist boards in achieving that. The answer lies there, not in encumbering this bill with references to it.

Mr. Reycraft: The answer to developing better affirmative action programs will come out of negotiations between school boards and the teachers of those boards through the collective agreement process.

Mr. Jackson: It is a cop-out, but we will leave it at that.

Mr. Reycraft: It is a local responsibility.

Mr. Chairman: I remind members that we have taken an hour and 15 minutes to pass one subsection.

Mr. Davis: I am trying to clarify some of the concerns we have. We saw this last week. We have been looking at it and trying to understand it. As always, one of my concerns has to be how it impacts on the rest of the bill and what its impact is down the road.

As Mr. Allen indicated with affirmative action, for example, he has not quite figured out how he is going to do it, but he is going to do it. You are going to run into tremendous seniority problems because a number of secondary school teachers are women who have less seniority than a number of men. If you want to follow some type of affirmative action program—and I understand what Mr. Allen is trying to do—then the government is going to have to put into regulations that when this happens, this teacher with seniority X, because she is a woman, does not go across, but a man has to go. If we are going to put that overriding process in, Mr. Allen should at least have attempted to deal with that reality.

I want to come back to this right of first refusal. Maybe we can clarify it more. We have a teacher by the name of John Sawyer who is transferred by his board to the separate school board. He is not a volunteer; he is transferred. He has 10 years' seniority. To see if this works, I am going to say that he teaches in the separate board for two years. Am I correct that this person can exercise the right of first refusal at any time during the 10 years he is protected?

Mr. Allen: Yes.

Mr. Davis: All right. He is there for two years. Mike Smith teaches in a coterminous public school board. He is a history teacher with nine years' seniority. At the end of May, he is declared redundant to his system because the enrolment figures indicate there will not be enough students for him to teach next year. Then the enrolment figures change between June and September; maybe in mid-August they have a new reading and they say, "We still need a history teacher."

As I understand that section, John Sawyer has first right to that job. He has been out of the system for two years. Mike Smith has been teaching in the system and he is going to come back and claim the job.

Here is the dilemma I have. If Mike Smith applied—he is in the public system and we are going to assume for a moment that he has the most seniority and he qualifies—he would retain that job. He would have that job. He would still be employed in the public educational system. But because John Sawyer applies and has first right of refusal, he takes up the position and Mr. Smith is no longer teaching anywhere in any system. Therefore, the right of first refusal impacts upon the rights of teachers and will cause teachers to lose jobs they otherwise would have had if clause 136l(1a)(c) was not there.

Would Mr. Allen or Mr. Reycraft like to comment on that one?

Mr. Allen: I thought I explained that to the member earlier. If the movement back creates an opening in the designated cadre of teachers, that has to be supplied by the public board. That includes the teacher Mr. Davis is concerned about or somebody else on the public side. That then opens up an opportunity for moving a redundant person back into a nonredundancy, if you like, in the public system. The movement is obvious and clear.

Mr. Davis: With all due respect to Mr. Allen, Mr. Smith is—

Mr. Chairman: If I might, I think there is a disagreement on that. I will allow you to say it again.

Mr. Davis: Mr. Smith is terminated since he is redundant to the system because of declining enrolment. He is not terminated or declared redundant because of the separate school issue. When John Sawyer walks back across, there is no way Mr. Smith will qualify for that other open position. He is no longer with the board; he is gone as of August 31.

Mr. Chairman: I do not want enter into the debate because it keeps going on and on, but I gather Mr. Allen's response is that somebody else may very well be and that given this man's seniority this would then open up a position for him on the public board. I do not know how many times you want to have this discussion. I think people understand the various points of view on it. Mr. Reycraft, do you wish to enter this?

Mr. Reycraft: I assume this hypothetical Mr. Smith is the senior man on the redundant list of the public board as a result of the transfer. That being the case, subsection 12(2) in the regulations, as I indicated, would require that the number of teachers the separate board was obligated to hire would be increased by one as a result of the other teacher's movement back to the public board.

Mr. Davis: When does that take effect? Is it that year or a year later?

Mr. Reycraft: I assume it would follow the slip-year provisions now being used by the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario. I also point out that before such a movement would occur, it would require consent of the separate school board. You talked about a period, June to August, which is after the normal date by which teachers resign positions and apply for other positions—

Mr. Davis: Before; it does not matter.

Mr. Reycraft: —and further complicates the whole hypothetical example you have put before us.

Mr. Davis: All I can say is I believe that because of the process, as I understand the rationale, teachers will be dislocated who will not have jobs when it is over.

Mr. Reycraft: We do not deny dislocation. We do deny unemployment.

Mr. Chairman: Are we yet at a stage where we can start to go through the voting on Mr. Allen's motion, subsection by subsection?

Mr. Davis: We would like to have a bit of—

Mr. Chairman: Just to be clear on this, we will go through it subsection by subsection.

Mr. Davis: Subsection by subsection.

Mr. Chairman: He is going to try to find Mr. Andrewes so we have about 20 minutes to have this take place. If the members can hang around in case he is easily found it will speed up our process, which I know we all want.

The committee recessed at 5:13 p.m.

5:26 p.m.

Mr. Chairman: We will reconvene and deal with Mr. Allen's amendment to the amendment to the amendment, as I recall it. This is subsection 136l of the act under section 2 of the bill and the subsections. The agreement was that we would take them one at a time. I will call the vote on subsection 136l(1). All those in favour, please indicate. All those opposed? The vote is carried six to four.

Motion agreed to.

Mr. Chairman: Next is subsection 136l(1a).

Mr. Davis: Is this for all of subsection 1a or for each clause?

Mr. Chairman: However you like.

Mr. Davis: We have an amendment.

Mr. Chairman: Let us do it one at a time. All those in favour of clause 136l(1a)(a) please indicate. Those opposed? The motion is carried six to four.

Motion agreed to.

Mr. Chairman: We are on clause 136l(1a)(b); Mr. Davis.

Mr. Davis: We would like to make an amendment to clause 136l(1a)(b) by stating that the section be amended by the addition of the words "secondment or assignments of services" to follow the word "transfers". It would read "methods for encouraging volunteer transfers," and then I have to get it in.

Mr. Chairman: "And secondments."

Mr. Davis: I have to get the words in. I thought I had it worded neatly but it was not. Will you bear with me? The way I made the amendment it does not fit in. Perhaps you can help me as I am a novice. We are trying to incorporate into that section that the methods for the transfers will be to encourage voluntary transfers and secondments or assignments of services. We want to put those words in. I thought I had worked it out but it does not sound correct.

Mr. Chairman: You can do it by placing it in two places. "Methods for encouraging voluntary transfers, secondments or—"

Mr. Davis: "Assignments of services."

Mr. Chairman: "—assignments of services of public board teachers and supervisory officers to positions with the Roman Catholic school board and for treating such transfers, secondments and assignments of services as designated persons with all rights and entitlements provided by this act."

Mr. Davis: It would go in both places. Thank you; I appreciate that.

Mr. Chairman: The way the motion would be worded would be to place the words "secondments and assignments of services" after the word "transfers" in the first line and after the word "transfers" in the third line.

Mr. Davis: Thank you.

Mr. Chairman: That was clause 136l(1a)(b).

Mr. Davis: We wish to place in the bill in some form the concept that voluntary transfers will be treated as designated persons. We would also like to place in the bill, so that it is in the legislation, the opportunity of secondments and assignments of services. I know they say they are going to appear, but this will ensure they do appear in the regulations and stay in the regulations. That is why we have asked for this to be incorporated. It is a friendly amendment.

Mr. Reycraft: I am not completely sure that the amendment, as it is worded, does not do more than Mr. Davis is proposing it should. My understanding of his intent, from the explanation, is that he wants the legislation to be supportive of secondment agreements that would be negotiated between separate-public boards and the branch affiliates.

Mr. Davis: That is in your regulations.

Mr. Reycraft: However, by including that in this section of the bill, it will require the regulations to contain provisions for secondments. I am not sure how you do that without making them mandatory for the boards and for those agreements. I do not think that is Mr. Davis's intent.

Mr. Davis: I believe Mr. Reycraft has pointed out that in the regulations there is already provision for secondment. All I am saying is that we would like the words "secondments and assignments of services" also to appear in the legislative act. It does not say anything, as I understand it, except that "The regulations or agreement referred to in subsection 136l(1) shall provide for:" and, as I go down to (b), "methods for encouraging volunteer transfers, secondments or assignments of services...." It still leaves the regulations the opportunity of defining them, but it says that those three areas are going to be incorporated in the regulations. As the boards sit down to discuss they are the options that are open to them.

Mr. Allen: I would like to reinforce and perhaps amplify the point Mr. Reycraft is making. If you look at this section as we have drafted it, it says that "The regulations or

agreement referred to in subsection 136l(1) shall provide for." The regulations' introductory clause says, "an agreement mentioned in section 10 for the purpose of reducing the number of positions may make," and then it goes on to (c) and says, "use of voluntary transfers of employment other than resignations referred to in clause 9, secondments, sabbaticals and other leaves of absence," and so on.

That was why I asked Mr. Reycraft very early, when I introduced this section, whether the government could give us a guarantee or an assurance that provision for secondment negotiated between boards would be in the regulations. We got that assurance and, as I understand it, that will be the case. I am not prepared to state in the bill that coterminous boards functioning in consultation with their local teacher and staff organizations have to provide for secondment. I am not opposed to secondment, but I think that has to be their option. The voluntary process has to be the principal means. That is why I highlighted that item for inclusion in this section of the bill.

Mr. Davis might want to get at the optionality part in some other way, but that is a different proposition. It has to be somewhere else or done in some other fashion than including it in this clause, as far as I am concerned.

Mr. Reycraft: There is another problem in the last two lines of the second part of the resolution where we talk about treating such transfers, secondments, or however you word it, as designated persons. Because they would still be employees of the public board seconded to a separate board, they would not fit the definition of "designated person" as we have established it; that is, someone who is redundant because of—

Mr. Davis: Neither would volunteers. They become designated persons. A seconded person still becomes a designated person. He is part of the designated package.

Mr. Reycraft: How can he be a designated person and still be employed by the public board?

Mr. Davis: It is my understanding that the draft regulations include secondments. If that is the process that the boards use, and several boards now use them, that seconded person is one of the designated persons. If he is not, then I do not know what he is.

Mr. Reycraft: This list of designated persons is altered—increased and reduced—according to the number of seconded persons, but they do not become designated persons because they are still in the employ of the public board. In principle,

Mr. Davis, I do not disagree with what you are trying to do which is put the option out in front and provide some encouragement for it. To avoid this problem, and also the problem of making it mandatory, would it not be more appropriate to mention secondments in subsection 136l(1c) where it says that the regulations or the agreement may contain additional provisions? Then we could specify secondments or assignments of services. That would allow us not only to mention it in the bill and provide some encouragement for it, but it would also avoid putting us in the position of it being interpreted as mandatory for the boards.

Mr. Davis: Perhaps Mr. Reycraft can tell me how he would put it in there.

Mr. Chairman: It would be possible to place those words after the words "additional provisions." You could say "such as" or something.

Mr. Revell: "Including provisions related to secondments and assignments of services of public board teachers." You have to track the language back in subsection 1c. I may not be able to have something elegant for this afternoon, but if the idea were agreed to in principle—

Mr. Davis: I am prepared to do that.

Mr. Revell: —I will bring it back tomorrow afternoon.

Mr. Davis: I will withdraw that and put it down on the other side.

5:40 p.m.

Mr. Chairman: Okay. We are back to a vote on clause 136l(1a)(b). All those in favour, please indicate? Carried.

On clause 136l(1a)(c), all those in favour, please indicate. Those opposed? It is carried six to three.

We are now on subsection 136l(1b). All those in favour, please indicate. Those opposed. Carried, six to three.

I have an amendment from Mr. Davis on subsection 136l(1c) to add the words "Secondment and assignment of services."

We had better come up with some kind of wording on this.

Mr. Revell: How about "including the encouragement of secondment and assignment of services of public board teachers and supervisory officers to positions with the Roman Catholic school board"?

Mr. Chairman: Before the words "but in no case shall such additions contravene the provisions stipulated in subsection 136l(1a)."

Mr. Davis: Yes. That will be fine. That gets across the intent I wanted.

Mr. Chairman: That is moved by Mr. Davis.

Mr. Allen: With respect to the formulation, it has now become quite specific. I wonder whether legislative counsel would work on maintaining the generality of the provision as well when he comes back with his elegant wording, because the intent of this section was to provide for other optional provisions, not just this one.

Mr. Reville: That will not do it in this case. You would have to say "including."

Mr. Allen: There is the generality and the specific. They are both protected.

Mr. Revell: Let me think about it overnight.

Mr. Chairman: There is an understanding. We will take a vote on the wording as we have it now, and if more elegant phrasing comes along, we will reopen tomorrow with that understanding.

Mr. Reycraft: May I ask for some clarification of what is meant by "assignment of services?"

Mr. Davis: Assignment of services is a process that is used in Metro Toronto where a teacher is sent over and then comes right back. It is much like secondment, but it is very short. It would be used in the Metro board area only as an option. They use it now for teachers who are redundant because of declining enrolments.

In Metro, a teacher goes into a pool and is farmed out on assignment of service to another board. That section would apply only to Metro Toronto, but gives them the opportunity to do that because it is already working. I cannot see other boards buying into that one. It is already in the process and would probably only be an option that the teachers in the Metro area would look at because that is the only place it exists, as far as I know.

Mr. Chairman: Okay. We are taking a vote on subsection 136l(1c) on the understanding that this will probably be reopened tomorrow for the language. We are now voting on the principle involved in the idea of the optionality of secondment and assignment of services added to the regulation.

All those in favour of the amendment to subsection 136l(1c) proposed by Mr. Davis, please indicate. The motion carries.

All those in favour of subsection 136l(1c), as amended, please indicate. Carried.

Next is subsection 136l(1d), the collective agreement section. All those in favour, please

indicate. Opposed. The motion carries, six to three.

As I see it, the normal way would be to proceed through the votes, but as this is a Conservative amendment—that is the way it was introduced—to make this straightforward we can probably go back to a straight question. Shall 136l(1), as amended, carry? Does that speed things up rather than going back to a vote? Because it is so substantially different from the other two, is this appropriate?

Mr. Reycraft: Yes.

Mr. Chairman: Is that understood? We are going back to the amendment of the government motion at this point or, if you like, we can skip both sections and say, shall subsection 136l(1), as amended, carry? I think everyone understands that.

Mr. Davis: All of this?

Mr. Chairman: All of this replaces the original. I am going back, replacing your proposed subsection 136l(1), Mr. Davis, and the government's proposed subsection 136l(1) and saying that this will now amend the original in its entirety. We can take your vote on each one if you wish. We have passed the one amendment, but I am presuming that this then requires us to go down the other two, go back to the original and say we have now amended the original by doing this. That is all I am suggesting.

This suggests that the original subsection 136l(1), as we have just amended it, be carried. That is what I am asking. All those in favour, please indicate. Carried.

We move now to subsection 136l(2). It is lucky this is a short section. You can already see the end of the tunnel. Again, remember the order in which we go.

Mr. Reycraft moves that proposed subsection 136l(2), as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(2) The public board shall make the designations in each of the first 10 school years during which the Roman Catholic school board performs the duties of a secondary school board but not later than the date prescribed by the regulations for each year."

Mr. Reycraft: The original bill had a date specified by the planning and implementation commission. This requires that the date be prescribed by the regulations and determined by the ministry and the minister rather than by the commission.

Mr. Chairman: Mr. Davis, you have an amendment in the compilation here. Do you wish to proceed with it?

Mr. Davis: Yes. I am just looking at it.

Mr. Chairman: The substantial difference is that it mentions the PIC and representation to the PIC.

This is in advance of myself, but I note, Mr. Allen, that your subsection 136l(2) does not jibe with the other subsection. Will you be moving it as a subsection 2?

Mr. Allen: No, I will not be moving subsection 2. We will be supporting the government motion on that subsection.

Mr. Chairman: Mr. Davis has an amendment.

Mr. Davis moves that proposed subsection 136l(2), as set out in section 2 of the bill, be struck out and the following substituted therefor:

“(2) The public board shall make the designation in each year of the first 10 school years during which the Roman Catholic school board performs the duties of a secondary school board and shall submit a list of the designated persons to the planning and implementation commission not later than the date prescribed by the regulations for each year.”

The motion is in order. Would you like to speak to it?

Mr. Davis: The rationale is that the planning and implementation commission is aware of the teachers who have been designated. It may be that I have missed something in the regulations where it was passed, and I apologize if that happened. If it is there, then I will withdraw this amendment.

5:50 p.m.

Mr. Chairman: Mr. Reycraft, can you clear up for Mr. Davis whether the submission of a list of the actual designated persons is something required by the regulations?

Mr. Reycraft: It is partially addressed in the regulations. It is also partially addressed by one of our amendments, and that is section 11.

Mr. Davis: Section 11?

Mr. Reycraft: Of our amendments.

Mr. Chairman: Yes, it does.

Mr. Davis: Will section 11 still be there when we get there? The way we are moving, I do not know what the intent is.

Mr. Chairman: Let me attempt to put it this way because I cannot guarantee it. Is it the intent of the government to move it?

Mr. Reycraft: Yes.

Mr. Chairman: Do you see it as being replaced by anything specifically, Mr. Allen, that you have?

Mr. Allen: No.

Mr. Chairman: So we are withdrawing Mr. Davis's motion. We just have, I gather, a three-party agreement here on the government motion. Shall we proceed to a vote on it?

All those in favour of the amendment to subsection 136l(2), as moved by Mr. Reycraft, please indicate. Carried.

Mr. Reycraft moves that subsection 136l(3) be struck out and the following substituted therefor:

“The teaching contract, employment contract or employment relationship, as the case may be, of a person designated by a public board under subsection (1) is transferred to and assumed by the Roman Catholic school board referred to in subsection (1) effective the first day of September next following the date upon which the public board makes the designation, or upon such earlier date as the boards concerned may agree upon.”

Mr. Reycraft: The original bill had the responsibility for designated persons to remain with a public board. This transfers that to the Roman Catholic school board. That is consistent with the policy that has been followed by the planning and implementation commission in the first year and is being followed for the second year. It will result in a most efficient placement of designated staff who are transferred to the Roman Catholic board.

Mr. Chairman: I note, Mr. Davis, that your subsection 136l(3) would try to deal with issues that would follow from this rather than with it. Mr. Allen, on your subsection 3.

Mr. Allen: We are supporting the government's amendment.

Mr. Chairman: We will now have the discussion, if there is any, on Mr. Reycraft's motion.

Mr. Davis: I want clarification. Am I correct in assuming, based on the statement Mr. Reycraft just made, that according to the planning and implementation commission, the teachers who transfer over are now the responsibility of the separate school board and that is how it has been done in the two years since the plan has been implemented?

Mr. Reycraft: That is what they did in the first year and it is on that basis, on that policy, that they have been proceeding in the second year.

Mr. Davis: They are proceeding on the basis that all the teachers belong in the separate school board?

Mr. Reycraft: Yes, other than where some other arrangement was made between the two

boards. I know of only one teacher where that situation applies. Perhaps I should seek some assistance on that.

Mr. Clifford: It is our understanding the practice of the planning and implementation commission has been as stated in that respect.

Mr. Davis: I was trying to find something, but I may have lost it.

Mr. Chairman: I cannot think how. We do not have very much paper in front of us.

Mr. Davis: I know.

Mr. Chairman: We will now proceed to the vote on subsection 136l(3). All those in favour of the amendment to subsection 136l(3), please indicate. Carried.

All those in favour of subsection 136l(3), as amended, please indicate. Carried.

We are now on subsection 136l(4).

Mr. Reycraft moves that proposed subsection 136l(4), as set out in section 2 of the bill, be struck out and the following substituted therefor:

“(4) A Roman Catholic school board to which the teaching contract, employment contract or employment relationship of any person is transferred under subsection (3) shall employ the person in a position substantially similar to the position in which the person was employed by the public board immediately before the transfer.”

Mr. Reycraft: This addresses the placement of persons in substantially similar positions.

Mr. Chairman: I want to try to be careful here, Mr. Davis.

Mr. Davis: I am looking for it.

Mr. Chairman: This can still precede any of your substituted ones, can it not, or am I incorrect about that? Mr. Allen's subsection 4 does not apply at this point.

Mr. Allen: Again, we are supporting the government amendment at this point.

Mr. Davis: Mr. Chairman, if you will give me a few minutes, I think we have an amendment with respect to the “substantially similar” wording. We changed that, and I just need to find the amendment, if you will bear with me a moment.

Mr. Chairman: Is it for this subsection?

Mr. Davis: It would have to be applicable to this subsection, because if you use the wording here and it is passed, then it would also apply in the other sections.

Mr. Chairman: Right.

Mr. Davis: It occurs on page 10 in clause 136l(5)(b) of our amendments. We say:

“On its supervisory office staff and other staffs, by offering employment to persons employed by the public board who can perform the work required for the position.”

Just a minute. I do not know whether that is applicable.

Mr. Allen: I think where the Conservative amendments move in those clauses is in the direction of where there is no agreement or where there is a need to find someone else to fill a position.

Mr. Davis: Yes.

Mr. Allen: In that case, it is subsequent to subsection 4, which lays down the first principle, that the board hire only individuals with appropriate qualifications.

Mr. Davis: We have no problem with that one either. It is when it comes in later on.

Mr. Chairman: It comes later on in the exemptions. Shall we take the vote on subsection 4? All those in favour of the amendment to subsection 136l(4), please indicate. Carried.

All those in favour of subsection 136l(4), as amended, please indicate. Carried.

We are now on subsection 136l(5).

Mr. Reycraft moves that proposed subsection 136l(5), as set out in section 2 of the bill, be struck out and the following substituted therefor:

“(5) A designated person, other than a designated person described in subsection (9), is entitled to receive financial or training assistance, or both, as prescribed by the regulations and the Roman Catholic school board required to employ the designated person shall offer to provide such assistance if the Roman Catholic school board has no position as provided in subsection (4) for the person on the appropriate staff of the board.”

6 p.m.

Mr. Reycraft: The subsection requires, in situations where there is not a substantially similar position available, that the designated person shall be able to receive the benefit of financial or training assistance, or both, and that the responsibility for providing those shall be that of the Roman Catholic school board.

Mr. Chairman: Am I right in my reading of opposition amendments, that neither of you has anything specifically on this? You do? I will start with the official opposition.

Mr. Davis: Go ahead.

Mr. Chairman: Then do you have something, Mr. Allen?

Mr. Allen: In the government motion, subsections 5 through 10 all deal with one subject, which is essentially the question of what happens if there is no position appropriate for the transferred teacher. Then you get to the training assistance, the financial supports and the where-withal in that respect. They also introduce, in the middle of that, the issue of conscientious objection.

As I read through that whole section, it seemed to me there was a much simpler way of going through it, so I have an amendment to subsection 5 which is an amendment to subsections 5 through 10. If I could circulate that amendment, it also has attached to it two others that are relevant. One of them picks up the conscientious objection issue and the other picks up as a new clause the question of how support staff are designated. I will give you this group all at once because they all flow in the same series, but only two of them pertain to subsections 5 through 10.

Mr. Chairman: If we can take whatever it is that applies to subsection 5, that would be the easiest way of proceeding. Is it all three of them or is it just the one?

Mr. Allen: May I move then?

Mr. Chairman: Why do you not move your first one and see how it goes? It will be voted on first and that will open up the other two, or we will move back to the government ones if it fails.

Mr. Allen: That is fine.

Mr. Chairman: Mr. Allen moves that subsection 136l(5) be amended by replacing subsections 5 to 10, inclusive, with the following subsection:

“(5) If the Roman Catholic school board has no position as provided in subsection 4 for the designated person on the appropriate staff of the board, the designated person is entitled to receive training assistance for an alternative position, as prescribed by the regulations, and the Roman Catholic school board shall maintain the person in its employ, provide the assistance and offer to the person employment in a position appropriate to either his or her previous or newly acquired qualifications.”

Mr. Allen: What that does is simply leave the transferred person in the employ and responsibility of the separate board, as indicated in the above subsections. It does not contemplate that there is any option for the separate board to discharge that person in a subsequent period of time, in the 10 years we are talking about or in perpetuity. In fact, it is perpetuity to which these provisions apply to transferred teachers as long

as they are in the separate board. That transferred teacher will secure training assistance and will be employed throughout and the separate board must make provision for that person.

It seems to me that it is unnecessary to go into all the detail about what happens if the teacher refuses a position. Why the teacher would refuse an appropriate position that accorded with either his previous or current training would have to be up to that person, but in any case the separate board is obligated to provide for that person and to maintain his employment. I think that flat, clear statement is much preferable to the long and convoluted arrangements in the original motion, if I may use that language.

Mr. Chairman: The longer and more convoluted source is surely more in keeping with the tone of the debate.

Mr. Allen: I have a second motion that pertains to the conscientious objector. It is structured slightly differently, and gives the conscientious objector the right to remain with the public board. I must come back to that.

Mr. Chairman: I would like to leave that until we deal with this. Speaking to Mr. Allen's amendment to Mr. Reycraft's amendment—Mr. Davis.

Mr. Davis: I have a question to Mr. Reycraft for clarification. When they are talking about training, am I correct in assuming that is training for a teaching position, or could it incorporate other training? Is that what it means?

Mr. Reycraft: It would be as prescribed by the regulations and they are not in existence yet. Our discussions about the section have included assistance for other kinds of training as well as teaching should the designated person desire that should be made available.

Mr. Davis: I suspected that the training process indicated in the government's amendment was also a training process by which a person could be trained for a position other than teaching. I am glad the NDP moved its amendment, because we did have a number of amendments to prevent that. What could happen is that a person could be counselled out of teaching into some other vocation or job opportunity. It was my understanding all along that the intent of this bill was to ensure that teachers were retained in teaching positions and did not become something else, whether a computer operator or whatever. As we went through ours, we—

Mr. Andrewes: Clergymen.

Mr. Davis: Yes. We made a number of amendments which we will not introduce at this

time because Mr. Allen's amendment is very concise and deals with our concern. We had indicated the intent of retaining the teachers within the public system to ensure that protection. We were even suggesting, because I know there was a deep concern represented by the public board and the separate board about the cost in connection with those individuals, that they would be administering a pool of teachers for whom they were responsible.

I want to ask Mr. Allen a question with respect to his amendment. Does the amendment cover the situation where one of the teachers designated, or one of the teachers whose job is terminated because of the extension of funding, happens to be a technical teacher who is in that position because—I believe it was in the late 1950s or 1960s—he came right out of the vocation rather than having teaching qualifications and now does not possess qualifications? In your amendment, I assume the separate board would be responsible for training that person for a place in its system. The training provided could be as a technical teacher or it could be in some other subject area.

Mr. Allen: Yes, that is right. As I recall, the teachers who were employed in that period had to attend the Ontario College of Education and take educational training. They also had a considerable mandate laid on them to get further upgrading in their specialty in subsequent years in extension courses, so most of them have additional qualifications. But yes, this anticipates that kind of circumstance.

Mr. Davis: I asked that again of Mr. Allen because, as we heard from different delegations, there was great concern that the technical teacher did not meet the teaching qualifications and, therefore, would not have a position. You cover that in this section.

Mr. Allen: That is right.

6:10 p.m.

Mr. Chairman: Is there any further debate on this amendment?

Mr. Davis: I am still looking. Hang on.

Mr. Reycraft: While Mr. Davis is looking for additional points, I will say it was not our intention to restrict the kind of training assistance that might be made available. I am at a bit of a loss to see the substantial difference between what is in our amendment and what Dr. Allen has proposed.

We talk about training assistance as prescribed by the regulations. Dr. Allen's amendment says, "training assistance for an alternative position, as

prescribed by the regulations." I fail to see why Mr. Davis would be interested in removing the ability to get that kind of assistance from a teacher who wished to get training for a position outside of teaching. Some of them might be interested in making more money by becoming custodians or something such as that.

Mr. Andrewes: Or becoming a clergyman.

Mr. Reycraft: I have another concern with Dr. Allen's proposed amendment in that it does not specify financial assistance. While the regulation is not in place and we do not know everything that is going to be made available there, it was assumed that one option under financial assistance might be the cost of relocating.

Should a position not be available in the area, the teacher might be interested in moving to one of the few areas of the province where the education system is in an expanding enrolment situation and the opportunities not only for employment but also for promotion and advancement would be greater. I am reluctant to see that removed from the legislation.

Mr. Chairman: You always have recourse to amendments to amendments to amendments.

Mr. Allen: My concern was that the teachers who transfer to the separate system are persons who want to stay in the profession. I was not sure how far I want to lay on the separate board the obligation to train them for sundry other occupations. Therefore, I did not see the need for support systems, other than the training and maintaining them in employment, on salary, while that happened.

If your concern is to add to the security and options of the transferred teachers by giving them that option and adding in financial assistance, I am not unhappy to see that in, but it was not my immediate concern in framing this synopsis of your larger section.

Mr. Davis: Will Mr. Allen expand for me what he means when he says, "the designated person is entitled to receive training assistance for an alternative position?" What does he mean by an alternative position?

Mr. Allen: I expected the regulations would amplify this, but my intent was that the alternative position would normally be understood to mean a teacher would want to receive training for a teaching position. That would be in some measure of his own choice, but also he would want to look at the separate system, see what was in demand and where he could maximize his security as a teacher, and make that

choice accordingly. I would not want to limit the teacher who might want to perform some other function in the school system from pursuing that course by seeking that training. I would want to see very clear protection so that teacher was not put in an invidious position of having to move into an alternative position, say, in the support staff or in some other dimension of the system which was not congenial.

Those things have to be spelled out in regulations, but that is the intent. By position, I mean a position in the equivalent panel as the first choice.

Mr. Davis: Could I offer a friendly amendment to make that "an alternative teaching position"? Then it would be very clear what the person is being trained for.

Mr. Allen: Except that this clause is not framed specifically with regard to teachers; it is framed with respect to teachers, supervisory personnel and support staff. Therefore, it uses the language of designated persons on the appropriate staff of the board, bearing in mind that we were talking about three different kinds of staff earlier. It is intended to accrue.

If we were to say "training assistance for an alternative position on the appropriate staff," that would carry through that language so a teacher would go to teaching, a support staff to support staff and supervisory personnel to supervisory positions.

Mr. Davis: Will you include that?

Mr. Allen: Yes. That is fine. No problem.

Mr. Chairman: So all members are clear. After the word "position" in line six, you will add the words "on the appropriate staff." Is there any further discussion?

Mr. Davis: I want to say a few words very quickly. I am very pleased that Mr. Allen agreed to that friendly amendment. I agree with him that teachers who are going across still must remain within the teaching profession. It provides them that opportunity to be retrained but to continue in their teaching profession. We are supportive of his amendment.

Mr. Reycraft: I assume, then, that the argument is that even if the teacher wanted the alternative training to be outside education, Dr. Allen and Mr. Davis are opposed to them being able to receive it.

Mr. Allen: No. There is no intention to oppose. It says they are entitled to training on the appropriate staff. That would mean that if they did not want that, they would be eligible for some other training but, at least, they would have to be

offered assistance to maintain their professional status in their own career path, whether it be as support staff, supervisory personnel or teaching personnel. I do not think that precludes them moving in another direction if they wish to negotiate that with the board.

Mr. Chairman: Before we take a vote on this, we have a suggestion from counsel to clean up the language a little bit. I would be moving your phrase, "as prescribed by the regulations," Mr. Allen, to the line above so it would follow the words "receive training assistance as prescribed by the regulations for an alternative position on the appropriate staff." Is that all right with you?

Mr. Allen: Sure.

Mr. Davis: Before we vote for that, I would like clarification on the issue.

Mr. Chairman: Yes, but I am not sure whether I cut off Mr. Reycraft.

Mr. Reycraft: It is all right.

Mr. Davis: If we approve this now, Mr. Allen's amendment replaces subsections 5 to 10. Can he then reintroduce the conscientious objection part that is in subsection 9? It is going to be eliminated. Can he reintroduce it? How will he do that? Will it be a new motion or an amendment?

Mr. Chairman: The easiest way would be to change it to read, "I move that section 5 of the government motion be amended by replacing it with the following words," and then put this in. Then the government does not need to proceed with its other motions and we can bring in Mr. Allen's next, if this passes, as it seems it will. Will that be all right? Is that understood? We are replacing the government's subsection 5 with your subsection 5, and then we will proceed from there.

Mr. Offer: Retraining assistance seems to be directly referable to an alternative position. In the event that there is not within the decision-making process of the Roman Catholic board an alternative position available will that of necessity exclude the training assistance? You have made it directly referable to something you are assuming is there. What if it is not there?

6:20 p.m.

Mr. Allen: No. The alternative position refers to a classification or category of positions such as a history teacher rather than an English teacher, a science teacher rather than a math teacher, or something of that proportion, so that he qualifies for that kind of position. He would presumably, in consultation with the board, want to determine

where there was going to be a demand so that he could move into that category or position. It does not mean training for a specifically designated post that is empty at that time.

Mr. Offer: May I just follow up on the question of demand? If, after consultation with the board, there is a problem with respect to earmarking any potential future demand, and once more, because it has been earmarked into financial training assistance, is there the distinct possibility that the teacher is going to be excluded from training assistance because of this section's strict parameters, notwithstanding the intent?

Mr. Allen: No, I do not think so. This says the teacher and the Catholic board must negotiate this training assistance and the training assistance will be for a prospective position in some panel of the board, in some department in one of the schools. What follows seems fairly straightforward. Once that agreement is struck, the board is obligated to provide a position in correspondence with either the original qualifications or the new qualifications. That is the long and the short of it.

If that requires the board, for example, to change its pupil-teacher ratios in history classes in such a way as to open up yet another position, that may well be what would have to be done if one did not normally appear. None the less, that is something the board would have to look forward to accommodating and be ready to accommodate once the training is completed.

Mr. Offer: We are talking about the function of this section, which is the provision of training assistance. It then goes on in the second portion to earmark that training assistance for an actual position that is available.

Am I reading incorrectly the words concerning the offer of employment to the person? I am wondering whether there is a problem under the framework of subsection 5, which prescribes two functions of the board: not only the training assistance as is determined, but also, in future years, the actual offer of employment. Could you explain whether you wish that?

Mr. Chairman: Are you asking whether it would be better split?

Mr. Offer: Yes, something of that nature, because there is a multiple purpose.

Mr. Allen: I do not have any great objection to splitting, but the two halves do hold together very compactly.

Mr. Chairman: Your intent was to link the training with the job.

Mr. Allen: That is right.

Mr. Chairman: The answer is that it is seen by the mover to be an appropriate thing to link directly the training assistance with the provision of a position. Is there any further discussion on this?

Mr. Reyecraft: The amendment is a substantial change from our amendment. Because of that, could I have some additional time to review the matter with the ministry officials? Would it be inappropriate to have this section stood down until tomorrow?

Mr. Chairman: I am in your hands.

Mr. Allen: Could we do as we have done with other sections? If I understand the concern Mr. Reyecraft is expressing, it is that the option of training for alternative positions—that is, positions outside the professional category we are talking about here—should somehow be accommodated in this subsection. If that is his concern, I do not think we have any great problem with that as long as the priority and the right are there for the staff person to maintain his position in his own professional category, whether it is supervisory personnel, teacher or support staff.

On the understanding that this will be drafted into this section so that it makes the concession Mr. Reyecraft wants to see there optional within it, can we vote on the subsection and in that sense proceed?

Mr. Chairman: It depends. If your intent is to change the wording of your subsection 5 so that there is the possibility for a teacher, as an example, to get training for a position which is not a teaching position after there is an entitlement to the teaching position, and that would require a wording change in your motion, we might as well put that over until tomorrow.

If your belief was that you have allowed for that possibility within what you already have, then we could take the vote today and, as we have often done in the past, offer Mr. Reyecraft the opportunity to question whether it does and to ask it to be reopened to have another subclause which would allow for the subsequent provision of ancillary rights, if I can put it that way. I am in your hands on it.

Mr. Allen: Could I suggest to Mr. Reyecraft that we move on this and pass it, and if, after consultation, he feels it is necessary to have some additional definition, he can introduce a clause that would follow this? It could say that designated persons receiving training assistance as contemplated under subsection 5 would be considered to be eligible for training assistance

that moved outside the professional category and potentially outside the separate system, or however he wanted to word it.

Mr. Chairman: If you would like to proceed and not stand it down, if this is all right with Mr. Reycraft, I suggest we take the vote on subsection 5 as the amendment to your amendment, but not take a vote at this stage on the section as amended. If you wished to have another sub-subsection to subsection 5 to allow for this other possibility, you could move it tomorrow. We could then have that debate on the issue outside of the fact of the position-for-position change, the training for identical jobs or similar jobs, that we have now.

Mr. Davis: Mr. Reycraft, could you explain what you are asking for in this amendment?

Mr. Reycraft: In our amendment?

Mr. Davis: No, what you are asking Mr. Allen to incorporate into this amendment about which you are concerned.

Mr. Reycraft: Our amendment provided for two things that are not in Dr. Allen's amendment, as I understand it. One was retraining assistance outside education and the other was financial assistance for relocation or whatever other purpose.

Mr. Davis: It is very interesting that, all of a sudden, the government is now defining those issues. It is something new to me. I understood as we debated this all year there was no intention whatsoever of transferring teachers from one jurisdiction to another. Now the government is going to give them relocation allowances; if they want to go, they can go.

Mr. Chairman: At this point, my suggestion is probably the easiest way to deal with this. The question of relocation, the question of training for other than an appropriate job, is not specifically what we are dealing with here. If I can leave the section open, it would mean that a

subsequent sub-subsection 5 can be brought in. We can take the vote now to see whether Mr. Allen's motion has carriage but not close off the section.

Mr. Davis: Is that normal?

Mr. Chairman: It is totally normal, yes. We have done that in the past with other subsections, leaving them open-ended, not closing things off. We have done many things to enhance the members' possibilities of making the bills better.

I am now going to take the vote, if I may. This is on Mr. Allen's motion to amend Mr. Reycraft's amendment to subsection 136l(5).

Mr. Davis: I am not challenging the chair, but at this point, do you as the chairman have the prerogative to say we are going to take the vote now?

Mr. Chairman: Yes. You can say you do not wish it, but I can call the vote.

Mr. Davis: I did not know what the process was.

Mr. Chairman: You can take that on any time you want. The other day, we finished up with a vote even though it was not exactly convenient for you.

Mr. Davis: It was not.

Mr. Chairman: This time I would like to be relatively consistent and take this vote but leave the section open, as I can, because the larger question has not been debated. The question "Shall the motion, as amended, carry?" has not been put yet, and I do not need to put that. I would like to put what we have been debating, which is the substance of the amendment itself.

All those in favour of Mr. Allen's amendment to Mr. Reycraft's amendment to subsection 136l(5), please indicate. Those opposed? The motion carries, five to four.

The committee adjourned at 6:31 p.m.

CONTENTS

Monday, May 26, 1986

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-143
Adjournment	S-165

SPEAKERS IN THIS ISSUE

- Allen, R. (Hamilton West NDP)
- Andrewes, P. W. (Lincoln PC)
- Davis, W. C. (Scarborough Centre PC)
- Jackson, C. (Burlington South PC)
- Johnston, R. F., Chairman (Scarborough West NDP)
- Offer, S. (Mississauga North L)
- Reycraft, D. R. (Middlesex L)

Witnesses:

From the Ministry of Education:

- Kirkwood, W. T., Education Officer, Legislation Branch
- Clifford, J. F., Executive Director, Education Services Division

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Presented



No. S-7

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Tuesday, May 27, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

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Vice-Chairman: Reville, D. (Riverdale NDP)

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, May 27, 1986

The committee met at 3:54 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, An Act to amend the Education Act.

The Vice-Chairman: Perhaps I can bring you up to date on where we left off last day. We had finished the debate on Mr. Allen's amendment to subsection 136l(5). We had left the section open to allow Mr. Davis to debate it. Does legislative counsel have any new words for us?

Mr. Revell: On 136l(5)?

The Vice-Chairman: Yes.

Mr. Revell: No.

The Vice-Chairman: Is that what we were doing?

Mr. Revell: The wording that was left open was on 136l(1c). I have a motion here that is available, but I believe the chairman suggested it might be left till the end of the section. We could just come back and do any cleaning up of wording at the end.

The Vice-Chairman: All right.

Mr. Davis: It was passed. It was just the wording we wanted to look at.

Mr. Revell: Yes. It was subsection 136l(1c). In fact, I could give that to the members now and they could see what it would look like.

The Vice-Chairman: Good; do that.

Mr. Reycraft: I think I can clear up some of the confusion about subsection 136l(5) and the reason it was left open. I had indicated yesterday afternoon we were concerned that the amendment, as put forward, removed the option of a designated teacher being able to select financial assistance in lieu of retraining.

The Vice-Chairman: That is correct.

Mr. Reycraft: We have taken a look at the amendment since yesterday afternoon, conducted some consultation and have decided that the amendment, as it is worded, better respects the principles of the bill and the minister's statement. We are not going to propose any further amendments to it.

The Vice-Chairman: Thank you very much.

Mr. Allen: I have some concern about where we move next. My motion on subsection 136l(5), which was just referred to, was intended to replace most of subsections 5 through 10, as you will recall.

The Vice-Chairman: Yes.

Mr. Allen: Contained in that were the clauses, especially in subsection 136l(9), that related to a designated person not wishing to transfer by reason of conscientious objection. I have a motion and Mr. Davis has a motion. I have a motion that deals with that question, and that is the one item. It does not follow in a specific order. It would be replacing subsection 136l(9), but it would be renumbered subsection 136l(6), I presume, in the bill.

The Vice-Chairman: Yes.

Mr. Allen: I am raising that just to call your attention to the procedural point that we are at with regard to what may come next.

The Vice-Chairman: Right. Thank you very much. That is helpful. Mr. Davis, you have an amendment of a similar nature when we get there?

Mr. Davis: Which one are we on?

The Vice-Chairman: We are on the conscientious objection. Why do you not look through that. I would suggest that, having now dealt with Mr. Allen's amendment to subsection 136l(5), we can go back to page 10 and see whether the government is interested in moving its amendment to subsection 136l(6).

Mr. Reycraft: As a result of the amendment to subsection 136l(5), we are not going to be moving subsections 6, 7 or 8 as they are worded on page 10.

The Vice-Chairman: So those will be withdrawn.

Mr. Reycraft: They have not been moved, so I do not think we will need to withdraw them.

The Vice-Chairman: Mr. Davis, do you have any amendments here that relate to section 136l, subsections 6, 7 or 8?

Mr. Davis: No.

The Vice-Chairman: In that case, Mr. Allen, would you like to move your amendment relating

to conscientious objection? No, you cannot do that. We have to start with the government.

Mr. Reycraft: This section is affected, to some extent, by the amendment to subsection 136l(5) and the nonmoving of subsections 6, 7 and 8. Having looked at what Mr. Allen has indicated he is thinking of moving as an amendment to this particular subsection, which I assume will be renumbered subsection 136l(6), we are prepared to support the wording as he has put it forward. Would it be in order for me to move the section as he has worded it?

The Vice-Chairman: I think it is probably simpler, actually, if you do not make a motion at this time. We will get Mr. Allen to make his motion.

Mr. Reycraft: I am in your hands.

4 p.m.

The Vice-Chairman: If this is of any assistance to you, we now have no government amendment before us. Basically, in view of your remarks, we are left with the bill. Mr. Allen does have an amendment. You have indicated some interest in supporting it. Why do we not hear his amendment, which I think would be renumbered subsection 136l(6)?

Mr. Allen: Perhaps we could discuss it informally for a moment. I do not know, for example, whether Mr. Davis has a motion. However, his own subsection that dealt with this was subsection 136l(21), but it was in the context of a series of clauses that set out a certain pattern of transfer mechanisms, financial assistance and so on.

I am wondering whether Mr. Davis is reasonably satisfied with my wording. I think it accomplishes principally the same thing, namely, it will leave the conscientious objector in the public board, which is where he—

Mr. Davis: I do not have any problems with this.

Mr. Allen: Why do I not move my motion? Then we can simply debate it if there needs to be any debate about any of the details.

The Vice-Chairman: Right.

Mr. Allen: I gather we are agreed on principle.

The Vice-Chairman: Yes. Why do we not read your motion into the record?

Mr. Allen moves that subsection 136l(9) of the government motion be amended and be replaced with—

Mr. Reycraft: Mr. Chairman, on a point of order: At this point, there is no subsection 136l(9). We are back to the procedural problem.

Mr. Allen: Okay, then let us look at the bill.

The Vice-Chairman: Legislative counsel can suggest a way out of this difficulty.

Mr. Revell: We are going to have a lot of numbering problems throughout this. I assume we are on the motion that Mr. Allen has numbered as subsection 136l(6), which starts off, "If a designated person objects...."

The Vice-Chairman: Yes.

Mr. Revell: I recommend that we use the format of having a motion that would add, as a subsection of section 136l of the act, the following subsection or subsections, whatever Mr. Allen is moving. At the reprint stage, my office will look after the renumbering and will make sure these provisions are caught up and put in the right places. Then we can refer to the bill as printed or to the subsections that we are using in the government motion.

If we can use the printed material in front of us as the basis for numbering changes or numbering things that we will be talking about, it will be much easier that way, rather than trying to renumber. With everybody with a piece of paper and a pencil, we will be at it for ever.

The Vice-Chairman: Does that satisfy your point of order, Mr. Reycraft?

Mr. Reycraft: I think so.

The Vice-Chairman: Mr. Allen moves that section 136l of the bill be amended by adding the following subsection:

"If a designated person objects to the transfer of employment to the Roman Catholic school board for reasons of conscience, he or she may so advise the public board and, unless it is of the opinion that the objection is not made in good faith, the public board shall designate another person in place of the person making the objection."

Mr. Allen: I am not including the two additional subsections that you have in your hand because I have examined the grievance procedure and the appeal system set out in the bill. I think that is adequate to cover any subsequent discussion about this.

The Vice-Chairman: The motion is in order. Mr. Allen, do you have anything more to say?

Mr. Allen: The reasons for this are reasonably straightforward. There are teachers in the public school community who would, on grounds of conscience, have some difficulty teaching within the separate Catholic system. It would be unfair of us to follow the pattern of the original amendments offered by the government, which

would have transferred those teachers into the separate system and left them in a rather anomalous position from the point of view of conscience.

It seems to me that we do have to make some accommodation for them. Therefore, the sensible place for them to be is in the public system and having other teachers designated in their place.

I realize this opens some opportunity for abuse. I hope public and secondary school teachers will not take advantage of it, and I think they will not. There may, however, be some disagreement and debate around any given application. It should be possible for that teacher to pursue any procedure necessary within the bill or within the collective agreement to resolve any question by the board about whether this is being done in good faith.

Mr. Reyecraft: We heard from a number of groups during the course of the public hearing stage of this process that some provision needed to be included to deal with the problem of teachers or persons who, for reasons of conscience, could not accept a position with a Roman Catholic school board. We are certainly supportive of including some type of provision to deal with that. The amendment put forward by Mr. Allen, which would see them remain with the public board, seems to be a very appropriate resolution of the problem, in our opinion.

Mr. Baetz: We share the view that this is probably the fairest way to approach this matter. We are willing to support the amendment.

The Vice-Chairman: Is there anything further? All in favour?

Motion agreed to.

The Vice-Chairman: I think that takes us to page 11.

Mr. Reyecraft: On a point of order, Mr. Chairman: Thinking back to yesterday and the way we left subsection 136l(5), if my memory is correct I think the motion to amend subsection 5 was carried, but the motion as amended was not. The question was not put. I suggest we should go back to deal with that. I do not think we have left any other section, other than the definitions.

The Vice-Chairman: On subsection 136l(5), as amended, all in favour? Carried.

I am now beginning to fall apart in disarray.

Mr. Allen: I have one more amendment that relates to the designation process, which it would be appropriate to deal with at this time.

The Vice-Chairman: Is that your amendment that includes "shall designate, on the basis of seniority?"

Mr. Allen: That is correct. It was on page 10, subsection 136l(6), in our original series. I distributed it as a separate motion in the package of three I circulated yesterday.

The Vice-Chairman: Mr. Allen moves that subsection 136l of the bill be amended by adding thereto the following subsection:

"(6) The public board shall designate, on the basis of seniority, the persons on its support staff whose services will not be required by the public board consequent upon the election of the Roman Catholic school board to perform the duties of a secondary school board."

4:10 p.m.

Mr. Allen: Again, my comments are brief. When we heard representation from the Canadian Union of Public Employees, which represents the support staff in question, it very strongly put to us that it wished to have only one mechanism function with respect to the transfer of support staff personnel. That mechanism is the principle of seniority as embodied in the collective agreements. CUPE did not wish to be included in the voluntary arrangements, because it believed that would open up for its staff in particular some unfortunate pressures to volunteer and it wanted to avoid that.

Second, I draw the attention of the committee to the fact that the support staff does exist legally in a slightly different status from the teaching and supervisory personnel staffs. Canadian courts have increasingly tended to view the support staff as not being critical to the distinctive character of the separate schools and have viewed them in that way because they are not in constant contact with the students in the same fashion as a teacher is.

There is some ground for treating them on a somewhat different basis in that respect, but inasmuch as it appeared to be CUPE's unanimous and very insistent concern that these people be transferred only on the basis of seniority, we are offering that amendment for the consideration of the committee.

Mr. Reyecraft: I want to speak against Mr. Allen's motion. First, in my opinion, it would override or be contrary to subsection 136l(1), which we have already adopted, which says that the designation shall take place in accordance with the regulation or by agreement between the boards. It is our opinion that the designation should take place either through a process that is covered in the regulations, which should allow some degree of flexibility, or through an agreement between the two boards.

I do not believe to be legitimate the concern Dr. Allen has expressed that if a process based on

seniority is not strictly followed it will somehow be contrary to a collective agreement. Clause 136l(1)(d) specifically provides that, "No agreement under subsection 136l(1) shall render inoperative a provision in a collective agreement unless the branch affiliate or affiliates concerned agree in writing." I do not think there is need to be concerned about that happening.

It is our opinion that all persons affected by completion should be treated in an equal way by the legislation. Subsection 136l(1) identifies, in addition to supervisory officer staff, elementary teaching staff, secondary teaching staff and support staff.

Mr. Davis: I want to amend the recommendation put forth by Mr. Allen with our amendment, which is found on page 11. It is bit different. I will move it if you will tell me how to word it correctly.

The Vice-Chairman: You tell me what you are trying to move first of all.

Mr. Davis: I move that subsection 136l(1) of the bill as set out in the government's motion be amended—I guess I have to say subsection 136l(5), because that is the motion that is on the floor. Is that correct?

The Vice-Chairman: Do not worry about the numbers.

Mr. Davis: I move that it be deleted, and the following put in its place:

"Nonteaching staff who are members of a bargaining unit shall be transferred to the Roman Catholic school board in accordance with the staff's collective agreement with the public board of education."

We are doing that because we think ours is much more clear, more concise and deals with the collective agreements that are now in place.

I can only assume all collective agreements say that this transfer or the loss of staff is always based on seniority, but I am not sure they say that. I am not sure what collective agreements say. Therefore, if we use the collective agreement as the mechanism to identify the nonteaching staff who are members of a bargaining unit that will be transferred, it allows them to do exactly what Mr. Allen wishes them to do and what they ask to do. That is, they will be able to designate those persons in accordance with their collective agreement.

Individuals who spoke before us happen to be members of the Canadian Union of Postal Workers and the Canadian Union of Public Employees; they were based on seniority. I am not quite sure, for example, how those who

belong to the secretarial pools are represented. We believe this makes it clear.

We also want to say that, as we went through the negotiating process this summer it became very apparent to us that the nonteaching staff wished to be designated in a completely different manner from the teaching staff. We think it should be in the bill for their protection. It is in that clause, and I hope the New Democratic Party members see fit to support our amendment. I believe it does what they want it to do. It is also a bit more concise and a little cleaner.

I speak against the government's suggestion that it is covered in the regulations. I have been told that those regulations have not been written yet; they are being processed. It is imperative that this be incorporated right in the actual legislation so that it is designated how nonteaching staff will be transferred. That is in accordance with their collective agreement.

Mr. Reycraft: In the light of what subsection 136l(1) says, is this amendment put forward by Mr. Davis in order?

The Vice-Chairman: I am reflecting on that very point at this moment, Mr. Reycraft. The first decision I have come to is that it is in order as an amendment to Mr. Allen's motion because we are talking about the manner in which you get designated, although you use slightly different words.

On the question of whether it is in conflict with subsection 136l(1b)—is that what you are thinking? I will have to look it up.

Mr. Reycraft: Subsection 136l(1) says that all persons, including support staff, will be designated in accordance with the regulations or by agreement between the boards.

Mr. Allen: If I might, concerning designation in accordance with the regulations, the regulations are pursuant to the act so that anything the act says determines what the regulations say. There is no inconsistency.

I further point out that clause 136l(1a)(b), when it refers to "methods for encouraging voluntary transfers of public board teachers and supervisory officers," specifically does not refer to support staff. There is an inference, even in that clause, that the support staff might well be viewed differently. As a consequence of that, it does seem necessary to have a clause which indicates just what that difference is.

The Vice-Chairman: Thank you, Mr. Allen. I will rule it in order. You have spoken to your amendment, basically.

Mr. Allen: Yes, I have.

The Vice-Chairman: Does anybody else want to speak to Mr. Davis's amendment?

Mr. Reycraft: One other concern I have is that Mr. Davis's motion, as it is worded, says the transfer shall take place "in accordance with the staff's collective agreement." I would be very sceptical that many collective agreements, if any, address the matter of transfer of staff from one board to another.

The Vice-Chairman: That is an interesting point. You might want to address that to Mr. Davis in the form of a question. Mr. Reycraft is wondering why a collective agreement would speak to the matter of transfer.

4:20 p.m.

Mr. Davis: I want to reiterate what Mr. Allen said. The individuals who came before us, speaking for the various unionized groups in the school boards, indicated that they would prefer the transfer to be based on seniority. The collective agreements state that persons are dislocated, "dehired," on a seniority basis. What this will do is to say it is the same when you are going through the transferring process, because it gets back into section 1361.

The Vice-Chairman: Basically, I was trying to ask a question through me to you for Mr. Reycraft. That is what Mr. Davis has said in response. Do you wish to continue with the floor?

Mr. Reycraft: The draft regulations that affect teaching staff provide some indication of the process that is going to be followed. Somehow, however, in what has been said so far, there has been a suggestion the designation ignores seniority. That is definitely not the case. It does respect seniority.

What it does in addition is provide the option of voluntary transfer, still respecting seniority rights as security of employment.

Mr. Allen: I recognize that.

The question is not whether the regulations will respect seniority. The question is whether any other considerations will be brought to bear on the designation of support staff. Since the regulations, as drafted, embody these other principles that the support staff's own organizations do not want to have in play, it seems important to have some restriction on the guiding principles for designation of support staff.

With respect to Mr. Davis' motion, I am not in a general sense in disagreement with it, but I would point out that my motion of subsection 1361(1d) says that nothing in the agreements can

render inoperative any provision of a collective agreement. Therefore, in the legislation there would already be a provision for the functioning of a collective agreement in a certain sense vis-à-vis the transfer of support staff personnel.

What I have a problem with in Mr. Davis's motion, and I agree with Mr. Reycraft in this respect, is that the collective agreement says nothing about transferring teachers. The way this is worded, it talks about transferring teachers in accordance with something that is in the collective agreement, but none of us knows precisely what that is.

The precise thing in the collective agreement that we want to get at here is seniority. As much as I would like to support my Conservative colleague's motion, the simple thing is to revert to the proposition we had presented to us by CUPE representatives and address that point, which is of concern and which they wish to see apply in the collective agreement.

Mr. Offer: With respect to the opposition's motion: first, subsection 1361(1) specifically indicates that the designation is determined by regulations or agreements by the boards. The motion talks only about agreements. I think it takes away a part of the decision-making process and is clearly contrary to what has already been passed.

Second, and I guess I ask the question, if it were implemented, the wording could mean that all nonteaching staff would have to be transferred; period, that is it. The way the motion is now, it would mean that all nonteaching staff were to be transferred. There is no talk of discussion of designation within the motion.

Mr. Allen: With respect—

The Vice-Chairman: Dr. Allen, with respect, I have Mr. Davis down next. We are speaking to his motion, so I would prefer you did not defend his motion.

Mr. Jackson: Why, Mr. Chairman?

The Vice-Chairman: Because Mr. Davis was already down. It provides him with a good opportunity to speak.

Mr. Jackson: It assumes that is what Dr. Allen was going to do. We have never had a psychic chairman. I thought it was worthy of note.

The Vice-Chairman: It is going to be a delightful experience for you, too, Mr. Jackson.

Mr. Davis, did you want to speak again; or did I not catch your eye?

Mr. Davis: No. There is nothing on which I wish to speak.

The Vice-Chairman: Dr. Allen, maybe you want to speak.

Mr. Allen: In the context of the bill, "designation" is a term that is used to apply to a group of teachers who are rendered redundant by virtue of the extension of funding and the loss of students in the public system. Consequent to that, the transfer of teachers will take place. The word "designation" is applied to those who will then, under those circumstances, be designated. So everywhere this appears in the bill it does not mean that all the people in the class in question will be designated and transferred. It simply means that those who, under those circumstances, happen to be support staff, may be designated; and they will be in this way.

Mr. Davis: I have a question to Mr. Allen for clarification. He stated that in his subsection 136l(1d), it said, "No agreement under subsection 136l(1) shall render inoperative a provision in a collective agreement unless the branch affiliate or affiliates concerned agree in writing to an amendment to the collective agreement."

Am I to assume that the wording "affiliates concerned" would then mean nonteaching personnel, such as the unions?

Mr. Allen: Teaching staff with union locals?

Mr. Davis: Yes. Is that what it means? Could I ask legal counsel if that is how he would interpret that?

Mr. Revell: I am sorry. My mind wandered, Mr. Davis.

The Vice-Chairman: Let me show you where your mind should be. What do these words "branch affiliates" or "affiliates concerned" mean to you?

Mr. Revell: It would be the branch affiliate or affiliates of either the Roman Catholic school board or the public board.

Mr. Davis: It would not include the local unions, such as CUPE?

Mr. Revell: I would not think so, because the language that is used in this particular subsection is the language that comes from the teachers' collective bargaining statute.

The Vice-Chairman: The statute of the federation.

Mr. Revell: Yes, rather than from the Labour Relations Act, which deals in terms of—other terminology would apply to CUPE.

The Vice-Chairman: Is there anything further on Mr. Davis's amendment, please? Perhaps we are ready for a vote.

Mr. Davis: Mr. Chairman, would you just slow down; we are not ready for a vote. We would like to withdraw the amendment we made. We understand that Mr. Allen will be making an addition to his amendment, a friendly amendment, and we will be able to support it.

The Vice-Chairman: Mr. Allen, would you care to move a motion?

4:30 p.m.

Mr. Allen: I would prefer at this point to move a little bit informally. We might want to call upon legal counsel to do some tidy-up wording for us after the meeting this afternoon.

The concern both Mr. Davis and I have is a result of that judgement that was just given about subsection 136l(1d). Contrary to my understanding and reading of that clause, which I thought applied not only to branch affiliates but also to locals of staff organizations which were referred to in subsection 136l(1), I must confess that it does not use the language of labour relations outside the teaching fraternities, if I can put it that way.

In one place or the other, it is going to be necessary for us to have a reference which makes it quite clear that the collective agreements of local unions are referred to. We can either do that in subsection 136l(1d) or we can add it to this specific subsection I have just moved which refers simply to the support staff. We could add to the motion in section 136l which I just moved a few moments ago, the words, "provided that the procedure involved does not violate the collective agreement," or words to that effect.

The Vice-Chairman: Basically, Mr. Allen has suggested two options. The procedural approach would be different depending on which option we chose. Further amending his amendment is the simplest way to do it, it seems to me. If it should happen there is conflict with something previously in the bill, we will pick that up before we finish this exercise.

Mr. Allen: My own sense is that it might be preferable to do it under subsection 136l(1d) because then it would have an operating effect with respect to the whole bill.

Mr. Reyecraft: In considering the two options, we would have no objection to changing the wording of subsection 136l(1d) so it clearly covered those bargaining units to which Mr. Allen is referring. It was our intention that it should be interpreted the way legal counsel has interpreted it this afternoon.

The Vice-Chairman: Do you want to figure out some wording?

Mr. Revell: May I ask a couple of questions here which might clarify things? I will make a couple of observations.

First, subsection 136l(1d) relates only to agreements under—

The Vice-Chairman: Excuse me, I have the feeling that your explanation will not be falling on those ears which should hear it. Perhaps when this conversation is finished you can say it once.

Mr. Allen: Mr. Chairman, can we stand this down until we get the wording back?

The Vice-Chairman: That is precisely what we have done. I am trying to hand over the chair to the chairman at the moment, so we are all going to step down for half a tick or fall down or something. Legislative counsel is working away and he is going to explain it all to you when you are listening, which I think is now. Would you explain it please.

Mr. Revell: I do not know whether it is an explanation or a question. First, we have to take a look at subsection 136l(1d). It applies only to agreements referred to in subsection 136l(1), which is where the school board has the alternative of designating in accordance with the regulations or in accordance with this agreement between the two boards.

We come along now and it seems we have a slightly different situation. We are making a statutory rule. It has nothing to do with these agreements or anything else. It is a statutory rule that designations are to be made on the basis of seniority. I am wondering whether the solution might not be to say that subject to any collective agreement in effect, the public board shall designate on the basis of seniority the persons on its support staff.

Mr. Davis: That would be under subsection 136l(5)?

Mr. Revell: Yes, in the new provision.

Mr. Chairman: Except, as I understand it, the suggestion is that this should go under subsection 136l(5). Is it the old subsection 5, now 7, 8 or whatever?

Mr. Allen: We did not give it a number, Mr. New Chairman, or Returned Chairman—

Mr. Chairman: Returning chairman, having got us money to allow us to sit here. It is just as Byzantine a business as this is.

I gather you are proposing some wording to be added to this at this stage. Is that acceptable to you, Mr. Allen? May I hear it, please?

Mr. Revell: It is suggested that Mr. Allen's motion be amended so that the new subsection

136l(5) would read: "Subject to any collective agreement in effect, the public board shall designate, on the basis of seniority, the persons on its support staff whose services will not be required by the public board, consequent upon the election of the Roman Catholic school board to perform the duties of the secondary school board."

Mr. Chairman: Any further discussion?

Mr. Reycraft: I am not sure I understand it all. "Subject to any collective agreement in effect." What wording did you use from there?

Mr. Revell: The rest of it just picks up. "Subject to any collective agreement in effect, the public board shall designate, on the basis of seniority, etc."

Mr. Chairman: How is that, Mr. Reycraft?

Mr. Reycraft: I understand what is intended with the amendment now.

Mr. Chairman: Any further debate?

Mr. Reycraft: We continue to oppose it because it eliminates the possibility of voluntary transfer for support staff. We feel it should be available to them. There is no reason it cannot be available and still give full respect to seniority. That is how teaching staff are designated and transferred.

Mr. Chairman: Any further discussion?

All those in favour of Mr. Allen's motion, as amended and assisted by counsel? All those opposed?

Motion agreed to.

Mr. Chairman: We want to make sure we are not missing things in sequence here. The next government motion on which we would go through normal procedure would be subsection 136l(11). Am I correct on that, Mr. Reycraft?

Mr. Reycraft: Yes, Mr. Chairman. I am not sure what to do. Do I follow the numbering on the list?

Mr. Chairman: As long as we have an understanding of that. We are going to use the numbering that exists in our drafts and will clean it up later.

Mr. Reycraft moves that section 136l be amended by including the following subsection:

"(11) Each public board that designates persons under this section shall transmit to the planning and implementation commission in each year but not later than the date for each year fixed by the commission, a list of the names and positions of persons that it has designated."

As I recall, we briefly discussed this matter earlier, when Mr. Davis was going to introduce

some kind of revision to an earlier section. Do you have anything further you want to add to that?

Mr. Reycraft: I am prepared to answer questions, but I think it is relatively clear.

Mr. Davis: Does the NDP have an amendment?

Mr. Chairman: I am not sure. Is there an amendment? There is no amendment from the NDP.

Mr. Davis: What subsection is that in the old one?

4:40 p.m.

Mr. Reycraft: Subsection 136l(6) and subsection 136l(7).

Mr. Davis: You are making an amendment to the original bill?

Mr. Chairman: Yes.

Mr. Davis: What is the change?

Mr. Reycraft: Subsection 136l(6) and subsection 136l(7) as printed in the original bill are being deleted, and the clause I read is being substituted.

Mr. Davis: Okay. Thank you, Mr. Chairman.

Mr. Jackson: Does that not include the names of persons who were designated but were not employed? Is that not what subsection 136l(6), as set out in section 2 of the original bill, states? I just read it quickly.

Mr. Chairman: It uses the term "employed" where this one does not use the term "employed."

Mr. Jackson: Originally we wanted to identify on the list the names of people who were designated but then not subsequently employed. Under the amendment we just want to know who is designated. We really do not want made public the list of those who were not hired.

Mr. Reycraft: That is the case because those designated persons for whom positions in the separate system were not found in the original bill remained employees of the public board. Under the amendments, they become employees of the Roman Catholic school board. They are designated and they become employees of the Roman Catholic board. There is no need to identify people who have not been employed because they will all be employed.

Mr. Chairman: Or they will be trained or whatever, under the responsibility of the new board.

Mr. Reycraft: But they will not be getting financial assistance.

Mr. Chairman: Right. Not having been here I am anxious, because of the complexity of this, not to move ahead unless I am sure things are all right.

Mr. Davis: It is fine over here.

Mr. Chairman: It is fine with you; good. Shall we take the vote on Mr. Reycraft's amendment to the section which in ours is subsection 136l(11) at this point. All those in favour, please indicate. The motion carries.

Motion agreed to.

Mr. Chairman: We are now on subsection 136l(12).

Mr. Reycraft moves that section 136l be amended by the addition of the following clause:

"(12) A designated person employed by the Roman Catholic school board has the right to an annual rate of salary of not less than the annual rate of salary that would have applied to the person if the person had continued in the employ of the public board in the first year that the person is employed by the Roman Catholic school board, but if the annual rate of salary of the position in which the person is employed by the Roman Catholic school board is lower than such first-mentioned annual rate of salary, the designated person is not entitled to any increase in annual rate of salary until the annual rate of salary of the position becomes equal to such first-mentioned annual rate of salary."

Mr. Reycraft: This provides that in the first year of employment in the Roman Catholic school board, the designated person receives the same salary he would have received had he remained in the employ of the public board. I think I will stop right there.

Mr. Chairman: Legal counsel would like to take a crack at this. Go ahead.

Mr. Revell: It is an extremely complex provision in its drafting, but what it does, as Mr. Reycraft said, is guarantee that a transferred employee will receive a salary in his first year that is not less than the salary he would have received had he stayed with the public board. On top of that, it provides that if the rates of pay in the Roman Catholic school board are less than the rates in the public board, that first-year salary will be maintained. I think the term that is commonly used in labour relations is "red circling." It would remain at a red-circled salary until the Roman Catholic school board salary catches up. In other words, it is a guarantee. What this does is peg that guaranteed salary to a particular year, namely, the salary they would

have received in the first school year of the designation.

Mr. Chairman: Are there any amendments?

Mr. Davis: Mr. Chairman, we have an amendment. I think our amendment does exactly the same thing, but it is much more clear and concise. I may be wrong, but I think it is.

Mr. Chairman: Mr. Davis moves that subsection 136l(12) be deleted and the following substituted in its place:

"The salary of a person transferred to the Roman Catholic school board shall remain constant until such time as a collective agreement with the Roman Catholic school board would entitle the person to greater remuneration than he or she is receiving."

Mr. Davis has just spoken to it, basically saying he thinks it simplifies exactly what legal counsel was saying.

Mr. Davis: Yes, but I want to come back with some questions.

Mr. Chairman: We are debating yours.

Mr. Revell: Can I give a legal opinion?

Mr. Davis: Yes, I would like a legal opinion.

Mr. Revell: I would love the section that Mr. Reycraft first read into the record. It would be a lot simpler. With regard to the official opposition's proposed amendment, what it lacks is the concept of hiking up. When are you pegging the constant values? Is it the salary at the time of designation or the salary following the time of designation, or is it a constant salary that is less than the salary they were earning at any particular time?

Sometimes the complexity of drafting is necessary to cover off the ground rules, and subsection 136l(12), as read into the record, settles all of these issues as to which year you want to use as the base year and settles for how long that remains in force. I agree it is a very difficult section to read.

Mr. Chairman: Mr. Reycraft, does that raise the matters you were concerned about?

Mr. Reycraft: Mr. Davis read "remuneration," did he, rather than "renumeration" as it is printed on page 11?

Mr. Davis: Yes, I read the correct word.

Mr. Reycraft: That was one thing I wanted to draw to his attention. The other thing I have some concern about is the phrase "shall remain constant." The time of transfer would be September 1.

Mr. Davis: Right.

Mr. Reycraft: I then interpret the intent to be basically the same as is provided in the subsection I read.

Mr. Davis: Right.

Mr. Reycraft: Legal counsel has indicated that—

Mr. Davis: What I see that saying—I will have to defer to legal counsel, but I deeply suggest that subsection 136l(12) can be condensed into something that is very straightforward and says it.

Brenda Jones is a teacher who is transferred across at a salary of \$35,000. What this says is the salary of Brenda Jones, which is \$35,000, when transferred to the Roman Catholic board shall remain constant, shall remain the same, until such time as the collective agreement with the Roman Catholic school board would entitle her to receive more. That would be either the year after or whenever when, because of her qualifications and her seniority, the Roman Catholic school board would come to Mrs. Jones and say, "Brenda, a teacher in your category is now receiving \$35,600. This year you have an increase." I think that is best.

4:50 p.m.

Mr. Revell: I agree and I disagree. The problem is that the time of transfer being September 1, many school years open without collective agreements being settled for the year. At least that is the way I understand the way things operate. Therefore, the salary on September 1 may be—picking a number out of the air—\$30,000 a year. On November 1 the collective agreement for the 1988-89 school year is settled and the person's salary, had they been with the public board, would be adjusted retroactively to September 1. In this situation, a lot of elements are left here. It would be my recommendation, or my opinion, that subsection 136l(12) covers all of the elements. As I say, I would love to be able to come up with simpler wording, but I think that in the light of the fact it covers all of the elements thoroughly—

Mr. Jackson: I was aware of that situation and was looking at that when I was doing my homework on it. Now I am concerned about the problems at the other end of the equation; not the pegging of the raise but the factors that might contribute to the rate not adjusting in accordance with what they might have reasonably expected had they not transferred to the separate school board. I will state my concern. There may be some concern here or there may not be.

It is obvious that not all coterminous boards have the same number of steps or increments in their grids. Some of them do not even have the same number of categories, let alone number of steps in each grid. If a public school teacher stayed in his board and received an experience increment change because of another year in his grid, would he have received the same had he transferred to the separate board? Is there a problem there?

I am trying to figure out in my mind actually whether that would accelerate the date on which he would get paid the dollars he would have earned in the previous board or whether it would extend the time. I have had no input on that or else I have not been paying attention during public hearings, but it is not being addressed here. It would seem logical that this is a very critical clause because it deals with how we are going to pay the teaching profession when they transfer.

Is there a compromise by virtue of nonparallel grid structures? If there are penalties inherent in that structural difference, what can we do in legislation to correct it or is it the government's intention? I know we are talking about a Tory amendment, but we are trying to correct potential injustice.

Mr. Chairman: At the moment, we have an amendment which has the same intent as a government motion; it is just trying to find different wording for it. Mr. Jackson, what you are suggesting is not included in either of the amendments as actually going past that to take into account the question of how a grid might change over a period of a year or two. That would have to be dealt with either as an amendment to each of these or as another subsection. I am not saying it should not be discussed at this point; it is just a matter of ordering our business.

Talking about constancy with an existing time frame is one thing, but talking about a change and accepting the old grid is another matter. It seems to be another issue.

Mr. Allen: While the subsection in question is long, it is none the less clear and it does do what I think needs to be done. We are supporting the original motion.

Mr. Davis: I am trying to reduce it. It is cumbersome and I think it can be clearer. I ask legal counsel to tell me what pitfalls there would be if we were to say that the salary of a person transferred to the Roman Catholic school board shall be the salary provided for by the most recent collective agreement. Therefore, if the person is transferred on September 1, and there is a

collective agreement—all collective agreements end as of August 31—

Mr. Revell: I do not want to enter into a debate. I should be addressing this through the chair. Since virtually all teachers are subject to collective agreements, there is no problem there. However, not all supervisory officers are subject to collective agreements. While I assume most support staff are covered by collective agreements, I also assume there are many boards where there are no collective agreements for support staff.

On top of that, the collective agreements with respect to support staff do not terminate on August 31. The most recent collective agreement would be in order there. You start adding complication upon complication when you start worrying about the collective agreement situation.

Mr. Chairman: Procedurally, we are in a rather awkward position. There is nothing that can be done about it because of the nature of the discussion, but it is hard to put legal counsel in a position of giving advice when it is almost as if he is having to enter into the argument.

Mr. Davis: Then I will ask Mr. Reycraft. I understand your amendment applies to a supervisory officer, who is not covered by any contract of which I am aware.

Mr. Reycraft: Most supervisory officers have individual contracts with boards of education.

Mr. Davis: Are they then determined as a group or on an individual basis?

Mr. Reycraft: I suspect it varies from board to board.

Mr. Davis: Let us say a supervisory officer is transferred over on September 1. For argument's sake, his salary base is \$52,000, but his contract is being negotiated. When it is finally negotiated, his salary base is then \$56,000. Do I understand your amendment to say the salary he will be paid in the coterminous separate board is \$56,000 or \$52,000?

Mr. Reycraft: If he would have received \$56,000 on September 1 had he remained in the employ of the public board, then he will receive \$56,000 in salary from the Roman Catholic school board.

Mr. Chairman: How would you like to proceed on this?

Mr. Offer: Let us vote on it.

Mr. Chairman: I do not hear any amendments to Mr. Davis's motion. Therefore, we could just proceed with a vote on the motion, go

to the amendment and then see what happens. Is that what people want? Okay.

All those in favour of Mr. Davis's amendment to Mr. Reycraft's amendment on subsection 136l(12), please indicate. Those opposed?

The motion is defeated five to four.

Motion negatived.

Mr. Chairman: Shall we move to subsection 12 as moved by Mr. Reycraft?

Mr. Jackson: I am still not satisfied about my concerns, because we are here pegging the designated increase in the annual rate of salary. I will proceed, but I still have some lingering doubts that this may not be the section in which we should be amending it. I do not have a handle on it as yet.

As long as we are going to have an opportunity to come back to amend, fine. We are not approving this ad infinitum, for complete purposes.

Mr. Chairman: Not as yet. You tell me that as we get to the end of section 136l.

Mr. Jackson: We are not going to get to the end of the section with only half an hour.

Mr. Reycraft: With regard to Mr. Jackson's concern as he expressed it before, is it the same concern about the differences in grids?

Mr. Jackson: There is that, but I would like to be assured of what you refer to as the annual rate of salary. Does that include all increments and all other factors?

Mr. Reycraft: It would be determined by referring to the salary grid and any responsibility allowances the teacher was receiving in addition to the identified amount on the grid.

Mr. Davis: Does that include fringe benefits as well, or is that in another section?

Mr. Reycraft: We talk about sick leave and retirement gratuity under additional sections.

Mr. Davis: Can you clarify this hypothesis for me? I am not aware of what the separate boards have in their contracts. Let us assume for a moment that a public secondary school teacher going across the panel has a dental plan that pays 70 per cent of the costs and maybe 60 per cent in respect to certain kinds of major dental repair, but the separate school board has a dental plan that pays 100 per cent. Is he entitled to the dental plan of 100 per cent?

5 p.m.

Mr. Reycraft: I probably should refer the question to legal counsel, but I assume that the annual rate of salary would include the value of

fringe benefits, the cost of which is either paid by the board or shared by the board and the employee. I assume the board's share of those benefits would be interpreted to be part of the annual rate of salary, but perhaps legal counsel or ministry staff could advise me.

Mr. Clifford: My understanding is that the annual rate of salary includes all the fringe benefits you are speaking of, but if there were any question you could use a term such as "the annual rate of compensation," which would include the salary grid and those things contained in the collective agreement. My understanding is that the annual rate of salary would not be just its face value.

Mr. Chairman: If that is the case, I suggest we proceed on that basis. We can ask for a clarification and reopen it if necessary. It sounds to me as if the intent on all three sides is to make sure there is no loss in that area in general. Can we have that understanding? If he gets the information that the salary would not be that broadly defined, we will come back to have a look at that particular side of it.

Mr. Jackson: It may not be prudent to proceed if you have some very complex items. We all understand that any taxable item is determined to be salary in the eyes of the government. Therefore, all taxable benefits, such as the Ontario health insurance plan, are included.

The government is also moving into implied income and deferral plans in which an employee has a share, such as retirement gratuities. Since it is taxable at the end, and the employee transferring has a share, he or she may not have it when transferring to the other board.

Mr. Chairman: We have subsections on gratuities.

Mr. Reycraft: Retirement gratuities are dealt with specifically later in the bill.

Mr. Jackson: I am trying to flag the understanding that the definition of "annual salary" should be more all-encompassing if it is being referred to in this subsection.

Mr. Chairman: Mr. Clifford suggested that we could change it to "annual rate of compensation."

Mr. Jackson: I would be even more comfortable if we had the word "complete."

Mr. Reycraft: The annual rate of compensation would infer complete compensation. It would not refer to a partial annual rate.

Mr. Jackson: If it is in dispute it is partial in the eyes of an employee who is putting it in dispute.

Mr. Reycraft: It is neither in dispute nor in confusion in my mind.

Mr. Jackson: All right.

Mr. Allen: Since there seems to be some agreement between the Liberal and Conservative speakers on the subject, may I move that the word "salary" in this motion be substituted by the word "compensation," and test the motion on that basis?

Mr. Reycraft: An even more satisfactory solution to the problem may be to define "annual rate of salary" in section 1.

Mr. Chairman: That is what I was trying to suggest before.

Mr. Reycraft: We can prepare such a definition for the committee.

Mr. Chairman: I was trying to suggest that before that we should get a clear understanding, if we can, as to whether salary includes this. If it is understood by all other statutes that it does, we do not have to worry about it and we do not need a definition. If it is not understood, we should reopen the definition section, as we indicated we would if necessary, for encompassing any new changes in the act as they come up.

Why do we not move to the consideration of this?

All those in favour of Mr. Reycraft's amendments to subsection 136l(12), please indicate. Carried.

Motion agreed to.

Mr. Chairman: Mr. Reycraft moves that section 136l be amended by including the following subsection:

"(13) A designated person employed by the Roman Catholic school board has the right to commence the employment with seniority and with probationary or permanent status with the Roman Catholic school board equal to the seniority and/or the probationary or permanent status the designated person would have had if the designated person had continued to be employed by the public board."

This is the question of carrying over status. Does legal counsel have a question?

Mr. Revell: I may be wrong, but I thought I heard when the motion was being read into the record "seniority and/or the probationary or permanent status." If I heard that, the motion should read, "the seniority and the probationary or permanent status."

Mr. Chairman: It was intended to be read as you just said. I thought it was, but we sometimes

get a little blurry-eared. I am speaking personally.

Mr. Reycraft: It was not my intent to include an "or" after the "and."

Mr. Chairman: It is just as it is written in the motion.

This provision ensures that the status someone has in the public system carries over to the separate system.

Mr. Jackson: What are the wording changes?

Mr. Chairman: There are none; it is as it reads. Counsel thought he heard an "and/or," but there is not. It is as it reads.

Mr. Jackson: What is the difference between that and what was proposed initially by the government? I am looking at subsection 11. I do not see the changes.

Mr. Chairman: I do not think there are any. It is just because of a renumbering of the bill that it is no longer the same. Am I correct?

Mr. Reycraft: That is correct.

Mr. Chairman: That was all it was. It is no longer subsection 11 because new subsections have been added.

All those in favour of the amendment to subsection 136l(13), please indicate. Carried.

Motion agreed to.

Mr. Chairman: We are now on subsection 136l(14), the sick leave credit provision.

Mr. Reycraft moves that section 136l be amended by adding thereto the following provision:

"(14) Sick leave credits standing to a designated person's credit with the public board shall be transferred to the plan maintained by the Roman Catholic school board at the time the person's employment is transferred under subsection (3)."

Mr. Reycraft: Is it still subsection 3?

Mr. Chairman: Possibly, but we will renumber if necessary. This is the first of two sick leave credit subsections.

Mr. Reycraft: There are actually three.

Mr. Chairman: Three, sorry. This is the straightforward one concerning the carryover of status.

All those in favour of Mr. Reycraft's subsection 136l(14), please indicate. Carried.

Motion agreed to.

Mr. Chairman: Mr. Reycraft moves that section 136l be amended by adding thereto the following provision:

"(15) If the number of sick leave credits transferred exceeds the total number of sick leave credits that may be accumulated under the plan to which they are transferred, the designated person shall be given credit in the plan for the number transferred but is not entitled to accumulate further sick leave credits under the plan unless the plan is amended to permit a greater accumulation."

Is that understood? It red circles sick leave credits until the separate school board's plan catches up.

Mr. Reycraft: Exactly.

Mr. Jackson: This is replacing the old subsection 12?

Mr. Reycraft: Subsections 136l(12), (13), (14) and (15) in the original bill deal with sick leave credits.

Mr. Chairman: The wording is slightly different because of the responsibility of the public board, but the intent is the same.

All those in favour of Mr. Reycraft's subsection 136l(15), please indicate. Carried.

Motion agreed to.

Mr. Chairman: Mr. Reycraft moves that section 136l be amended by adding thereto the following provision:

"(16) Subject to subsection (15), a designated person employed by a Roman Catholic school board is entitled to accumulate and to use sick leave credits in accordance with the plan maintained by the Roman Catholic school board."

Motion agreed to.

5:10 p.m.

Mr. Chairman: Mr. Reycraft moves that subsection 136l be amended by the addition of the following.

"(17) Upon termination of employment with the Roman Catholic school board, a designated person is entitled to payment of an amount calculated in accordance with,

"(a) the collective agreement that applied in respect of the designated person on the last date that the designated person was employed by the public board; or

"(b) the policy of the public board as of the last date that the designated person was employed by the public board,

"as the case requires, as though the designated person had been in the continuous employ of the public board."

Mr. Reycraft: It allows a designated teacher to retain the same benefits with respect to a

retirement gratuity as he had when he was in the employ of the public board.

Mr. Chairman: I do not think I have noticed amendments to that from either of the opposition parties.

Mr. Jackson: No. There would have been, but the government beat us in making it.

Mr. Chairman: All those in favour of Mr. Reycraft's subsection 17 will please indicate.

Motion agreed to.

Mr. Chairman: Mr. Reycraft moves that section 136l be amended by the addition of the following subsection:

"(18) In lieu of the payment under subsection 17, the designated person is entitled to require payment of an amount calculated in accordance with,

"(a) the collective agreement that applies in respect of the designated person on the last date that the designated person is employed by the Roman Catholic school board; or

"(b) the policy of the Roman Catholic school board as of the last date that the designated person is employed by the Roman Catholic school board,

"as the case requires."

Is there any discussion of that? All those in favour of Mr. Reycraft's subsection 18 will please indicate.

Motion agreed to.

Mr. Chairman: Mr. Reycraft moves that section 136l be amended by the addition of the following subsection:

"(19) The amount of the payment under subsection 17 or 18 shall be shared by the public board and Roman Catholic school board in the ratio that the number of years of service of the designated person with each board bears to the total number years of service of the designated person with such boards."

Mr. Reycraft: It requires a proportionate sharing of the cost of the retirement gratuities.

Mr. Chairman: That is straightforward compared with most things we are dealing with here. Is there any discussion? All those in favour of Mr. Reycraft's subsection 19 will please indicate.

Motion agreed to.

Mr. Chairman: Mr. Reycraft moves that section 136l be amended by the addition of the following subsection:

"(20) Section 4 of the Human Rights Code, 1981 applies to designated persons employed by a Roman Catholic school board in respect of their

employment, advancement and promotion by the board, notwithstanding section 23 of the said code."

I want to make sure of one thing. I am trying to be careful. I want to make sure that the subsection 19 I have seen in the official opposition's list was not required because it has already been covered. Good. I wanted to make sure I had not gone ahead without that. Do you wish to speak to your subsection 20, Mr. Reyecraft?

Mr. Reyecraft: It provides protection to designated persons under section 4 of the Human Rights Code that is broader than is extended to other employees of a separate school board for whom section 23 of the code has the effect of waiving section 4.

Mr. Chairman: As I recall, there would normally have been some amendments at this stage, or are there none from the opposition parties?

Mr. Davis: We have an amendment that I think we are going to make, but I want Mr. Reyecraft to explain again what his new section 20 does to section 4 of the Human Rights Code. I was looking for my amendment and missed his explanation.

Mr. Reyecraft: Do you want me to explain section 4 of the Human Rights Code?

Mr. Davis: No, I want you to explain subsection 20. I want a little explanation of its rationale.

Mr. Reyecraft: It requires that section 4 of the Human Rights Code apply to all designated persons. I can quote the code.

"4(1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, record of offences, marital status, family status or handicap.

"(2) Every person who is an employee has a right to freedom from harassment in the work place by the employer or agent of the employer or by another employee" under the same circumstances.

Mr. Davis: I have no problem with incorporating that as it applies to designated teachers. Perhaps we have to make it a subamendment. We have a subsection 136l(8) on page 11, and I need your advice. If I could read it, Mr. Chairman, you could tell me whether it should be with subsection 20.

It says, "The Roman Catholic school board shall not impose any expectations upon desig-

nated persons beyond the normal duties, in the case of teachers as set out in section 235 of the Education Act and section 21 of regulation 262 and, in the case of supervisory officers staff and other staffs, a similar approach shall be taken."

That specifically spells out the responsibilities of teachers. It addresses in a little more detailed manner the whole question of lifestyle. We have had the debate, does "creed" include lifestyle? That debate was inconclusive. It really did not arrive at whether it did or did not. We believe our subsection 136l(8) covers the whole area of lifestyle.

Mr. Chairman: I suggest that it might be wise, given the existence of the other legislation, that there be references to the Human Rights Code. Therefore, to have subsection 8 as a replacement for subsection 20 probably would not be as useful as having your subsection 8 as a sub to the government's proposed subsection 20, to clarify the connections with the Education Act on top of the Human Rights Code.

If people wish to deal with this whole question as some kind of package, that is fine with me. Otherwise, I suggest that you wait and make yours a clause (a) of subsection 20, or whatever, to add to and embellish what is being said.

Mr. Davis: Which would come first, ours or the government's?

Mr. Chairman: It depends how we do it. You could say you are amending the government's subsection 136l(20) to add clause (a). Then we would vote on yours first. Alternatively, the committee might decide—if there were others coming forward—to take them in the order in which they have been presented and do them as (a), (b), (c), that kind of thing.

Mr. Davis: I will then move that section 20 be amended to include clause 20(a), and that it be as I have read it into the record. Do you want me to read it again?

Mr. Chairman: I do not think it is necessary. It is your subsection 8, which is on page 11 of the compendium. Everybody understands that.

Interjection: It is an addition.

5:20 p.m.

Mr. Chairman: This is an addition. Mr. Reyecraft's amendment, subsection 20, would be amended to add a clause 20(a), which we agreed would be in terms Mr. Davis has already indicated in speaking to the regulations of the Education Act. I gather you have made your initial comments on that. Are there further amendments?

Mr. Allen: Since they all relate to one another, I will ask Mr. Davis whether he is moving subsection 136l(24) of his own amendments, as found on page 13, in connection with the government motion that was just made.

Mr. Davis: No, I am not; not at this point.

Mr. Allen: In that case, I would like to move an amendment to the government motion that would incorporate the two clauses I had originally struck as a new section. It is on page 14. I suppose we could leave it in for the moment, but I am not convinced that the proposed subsection 136l(8), which now will be clause 136l(20)(a), tells us any more than the Education Act already tells us about teachers and their duties and what boards may require. I think that is a redundant revision.

Mr. Chairman: I suggest that you move your motion to amend Mr. Reycraft's motion as amended by Mr. Davis, and then we will have the debate on it.

Mr. Allen: I will do that.

Mr. Davis: What is Mr. Allen moving?

Mr. Chairman: He is just about to do it. I cannot presume, but I think he is about to move that what was written on page 14 of the combined document as section 136la would now be part of subsection 136l(20) if it were carried.

Mr. Allen: It would move the two subsections to subsection 20.

Mr. Chairman: I will ask for it to be read before I can make any determination about whether it is in order.

Mr. Davis: I was under the impression subsection 20 was isolated and separate from my subsection 24.

Mr. Chairman: That is what you have just indicated. You have indicated your intention to separate them.

Mr. Davis: What I understand Mr. Allen's proposed motion would do is to tie the whole thing together. I have some problems if that is the case.

Mr. Chairman: It is hard for me to deal with this until it is read into the record. Why do we not do that? Then we can debate whether it is in order at that stage.

Mr. Davis: Do I have the right to make our motion 24?

Mr. Chairman: I guess that is why Mr. Allen was asking. I am sorry; I was not following all that. Would you like to?

Mr. Davis: Yes.

Mr. Chairman: All right. Why do we not do that first? You would be further amending subsection 20. In what way?

Mr. Davis: By our subsection 136l(24); I will read it.

Mr. Chairman: I am just trying to understand. Are you going to replace the wording of Mr. Reycraft's amendment with your subsection 24 and then add your subsection 8 as a clause (a)? I think that is what you are doing.

Mr. Davis: Yes. Thank you for helping me in this matter, Mr. Chairman, I appreciate it.

Mr. Chairman: Mr. Davis moves that subsection 136l(20) be amended to read:

"Section 4 of the Human Rights Code, 1981, applies to the hiring, employment, advancement, promotion and evaluation of all staff of any Roman Catholic school board electing to perform the duties of a secondary school board, notwithstanding section 23 of the said code.

"(a) The Roman Catholic school board shall not impose any expectations upon designated persons beyond the normal duties, in the case of teachers in section 235 of the Education Act and section 21 of regulation 262 and, in the case of supervisory officers staff and other staffs, a similar approach shall be taken."

Mr. Chairman: Mr. Allen, would you like to move yours amendment?

Mr. Allen moves to amend subsection 136l(20), as amended by the Conservative critic, replacing his amendment with the following subsections to be added to the motion made by the government member:

"(1) For the purpose of maintaining the distinctiveness of separate schools, the Roman Catholic school board may require as a condition of employment that teachers hired by the board after the 10-year period mentioned in subsection 136l(2) agree to respect the philosophy and traditions of Roman Catholic separate schools in the performance of their duties.

"(2) Subject to subsection 1, and despite section 23 of the Human Rights Code, 1981, section 4 of the said code applies to ensure that such teachers employed by the Roman Catholic school board will enjoy equal opportunity in respect of their employment, advancement and promotion by the board."

Mr. Allen: I am moving in such a fashion as to remove the amendments made by the official opposition party because as I read them they run totally counter to the accumulated jurisprudence on this whole question. They run counter to the provisions of section 93 of the British North

America Act, as they have been interpreted subsequently in the courts and as they have been incorporated into section 29 of the Canadian Charter of Rights and Freedoms, all of which guarantee provisions of denominational right and denominational cause with respect to the class of persons known as separate school supporters. That being the case, this provision would, in effect, put in jeopardy the constitutionality of this bill.

It seems to be quite a nonproductive course to follow to take that line of amendment. In the context of the bill as it stood, and in the context of things as they would remain with the government amendment to subsection 136l(20), there would be a suspension for a period of time that our legal advice tells us is entirely defensible, given the nature of the arrangement being made. It qualifies significantly the hiring rights that the separate school system has enjoyed over the years under section 93 of the British North America Act and now also under section 29 of the charter.

Notwithstanding that, in all frankness, our party has had some considerable concern about the practices that from time to time have been engaged in by some separate school boards under those protections. While I do not want at this time to engage in a rehearsal of those problems, they are strongly held and they are strongly held by some of the Catholic members of our caucus in particular.

For that reason, and because a number of the separate school boards that we listened to in the course of our hearings from July through November stated to us that they felt it was possible, on other grounds, to maintain the distinctiveness of the Catholic system, we have phrased a subamendment to the amendment offered by the government. It would move the question beyond the 10 years and would recognize the historic right of the separate school system to maintain its distinctiveness and to hire accordingly.

5:30 p.m.

However, it would legally create some pressure on that system to look at its hiring practices, hopefully voluntarily, and to amend them in such a fashion as would be more acceptable. Finally, it would create a much more equitable and happy circumstance in the view of many of the public at the moment on that question.

Mr. Offer: I have a further amendment to Dr. Allen's amendment to the opposition amendment to the government motion. We have left the numbering to be determined later.

Mr. Chairman: Mr. Offer moves that subsection 136l(20) of the bill, as set out in section 2 of the bill, be amended by adding thereto the following subsection:

"(3) If a court should hold that the subsections as moved by Dr. Allen, either singly or severally, prejudicially affect a right or privilege with respect to denominational schools guaranteed by the Constitution of Canada, the subsections as moved by Dr. Allen shall be severed from the act, it being the intention of the Legislature that the other provisions of the act shall stand as separate from and independent of those subsections as moved by Dr. Allen."

Mr. Offer: With respect to explanation, I will defer to the minister.

Mr. Chairman: I am sure the committee will agree.

Mr. Jackson: I understand the minister's statements are in printed form. I wonder if they could be circulated.

Hon. Mr. Conway: I want to take this opportunity to make a brief statement on the important issue of teacher hiring by the extended Roman Catholic separate school system in Ontario.

When I spoke to this committee on May 18, I recalled a major principle of Bill 30, which is that the denominational character of the separate school system must be maintained.

It is because of this fundamental principle that the government does not endorse any amendments to the bill that derogate from the separate school system's constitutionally entrenched right to hire teachers who give effect to the denominational character of that school system. As I have said before, with Bill 30, we are completing a system that has been funded until the end of grade 10 with a clearly established set of rights. We are not creating a new system with a new set of rules.

That being said, the government has taken strong measures to protect designated public school employees, who are displaced because of extension, from any manner of discrimination when they move across to the extended separate school system. This was the government's position at the beginning of clause-by-clause examination of Bill 30, and it remains the government's position today.

The opposition parties have proposed amendments that alter the basic principle of denominational hiring. The Progressive Conservative amendment, if passed, would immediately strip the separate secondary school system of its right to hire teachers who give effect to the denominational character of that system. The New

Democratic Party amendment would eliminate that right after 10 years.

I well realize that we exist in a minority government situation, and it is quite clear to me at this time that the government's position in this matter will not be upheld by this committee. Faced with the two opposition amendments on this issue, both of them in conflict with the government's position, we are prepared to accept an amendment that least attacks the denominational hiring right of the separate school system, a right we expect will be upheld by the Supreme Court of Canada.

Because the New Democratic Party amendment in this matter does not affect the current hiring rights of the separate school system regarding nondesignated persons for 10 years, the government will reluctantly accept this amendment. The 10-year period will allow ample time for this matter to be adjudicated in the courts.

As well, it is the government's intention to move a new subsection of this bill that will allow the NDP amendment to be severed from the legislation, if a court holds that the amendment violates the constitutional rights of the separate school system.

I stress again that the government does not support the principle of what is suggested in the NDP amendment. However, in the best interests of all concerned, the government has decided to follow a course of action that will allow us to proceed with the examination and passage of this important legislation.

Mr. Chairman: I just remind members where we are in the order of debate at this stage. I presume we will be dealing with these things as a package. The first matter that is actually before us and on the table is Mr. Offer's motion, but I presume that the discussion will enhance all the amendments we have heard in the past few minutes, if there is discussion.

Mr. Davis: Which one are we debating now?

Mr. Chairman: The first vote would be taken at this stage if we were ordering our way back, on Mr. Offer's amendment to Mr. Allen's amendment. Mr. Allen's amendment would be voted upon, then your amendment and the government's amendment, and that would be it.

For purposes of discussion, I presume we are going to deal with the argument on all sides. That is what I presume we will hear in the next little while unless we have a consensus, which I doubt.

Mr. Jackson: It is important that we understand exactly all the implications of the amendments before us. My first question is to the

minister. In the construction of Mr. Offer's amendment, is the minister now admitting for the first time that the courts may uphold the validity of section 136la, as was amended?

Hon. Mr. Conway: What the minister recognizes is the sense of a committee in a minority Parliament. The government position with respect to this issue has been clearly stated on many occasions, and I am here to reiterate that today. I appreciate the environment in which I now find myself, and there is a difference of opinion in this committee on this fundamental question.

We have successfully argued a case in court that we believe we will successfully continue to argue in the Supreme Court of Canada. The essence of that argument is that we are completing a system that is a unity. We are not creating a new system, but we are completing an old system. The constitutional guarantees, as they have been interpreted in our view, touch very directly on this question of denominational hiring. I have never made any secret of that. What we are indicating here today is what I have always indicated, that we feel very strongly on this question, but the committee may decide a different course from the course the government has successfully pursued thus far.

The so-called severability clause is being inserted to ensure that the sections that will likely be included on the basis of the committee's intentions thus far will not jeopardize the whole construction.

Mr. Jackson: Is it a subsection 3 of that?

Mr. Chairman: Yes. Just to give you the image of what this would look like if it were to pass, from what we hear from the government, Mr. Reycraft's first clause would exist, then Mr. Allen's two clauses and then Mr. Offer's clause. That is what subsection 20 with its subamendments would look like.

As the minister was saying, the purpose of Mr. Offer's motion is to sever in the court's mind Mr. Allen's motion from Mr. Reycraft's.

Mr. Jackson: Are we going to vote on these in reverse order?

Mr. Chairman: We will have to take them backwards, unless you instruct me otherwise.

Mr. Jackson: No, I am just trying to follow the ebb and flow here.

5:40 p.m.

Mr. Chairman: That is why we have to discuss the implications of the combinations here in their entirety.

Mr. Jackson: Which section did Mr. Reycraft move first?

Mr. Reycraft: Subsection 136l(20).

Mr. Chairman: He moved subsection 136l(20) which reads, "Section 4 of the Human Rights Code," etc. Then Mr. Allen moved his amendments, which were numbered subsections 136la(1) and (2) initially and which would now be subsections 136l(20a) and (20b). Mr. Offer's motion would now be subsection 136l(20c), or however we wish to do that.

Mr. Reycraft: Where does Mr. Davis's fit in?

Mr. Chairman: Mr. Davis's motion, if it were to carry, would be replacing entirely Mr. Reycraft's amendment with his subsection 136l(24) amendment on the Human Rights Code section plus his old subsection 136l(8), which you will remember is about section 235 of the Education Act.

The choices before us are to support all four sections of the NDP and government package, or to support of the NDP and government packages without Mr. Offer's, if I can put it that way, so there is not severability, or the support of the Conservative option.

Mr. Jackson: Is it possible for us to caucus for five minutes? I do not know what the rules are.

Mr. Chairman: Though this is a fairly new motion, the major portions of the motion are not; they have been before us before and the party division is fairly clear. It is Mr. Offer's motion which is new to most members. I suggest we recess until 5:50 p.m. to give a few minutes for people to get their heads together around these various options and then come back. Agreed?

Agreed to.

The committee recessed at 5:43 p.m.

6:01 p.m.

Mr. Chairman: I will recap to set the stage where we are, as I see it, and to make it easy for us.

The last motion moved was that of Mr. Offer, which would be subsection 3 of Mr. Allen's motion if carried. Mr. Allen's motion would include his two subsections, which used to be subsections 136la(1) and (2), and Mr. Reycraft's motion, subsection 136l(20), which Mr. Davis's motion had replaced. Mr. Allen's motion was to replace Mr. Davis's subsections 136l(24) and (8), if I can recall his numbers, with Mr. Reycraft's and Mr. Allen's two. Mr. Offer then added his to Mr. Allen's.

That is what we are dealing with. Any discussion?

Mr. Davis: The last 10 minutes prior to the break—a break we certainly appreciated—have been very surprising to us, needless to say.

We will be up front with you, Mr. Chairman. We spent some time looking specifically at the section Mr. Offer moved, which deals with the legal implications, and the more we looked at it, the more difficulty we had with it. We are not lawyers. We tried to see whether some of our legal people were in the building and we could not contact any. Never mind the flip-flop of the government on the issue; we were not given any warning we were going to be facing this kind of amendment, which we believe is fairly significant and serious.

I am very new to the Legislature, as you know. To my knowledge, I cannot recall a piece of legislation by the Legislature of Ontario in which there is a section, such as we see before us, which allows a court to rule it out of order. We have a concern with some of the definitions in that phrase and we ask that we be given some time to look at this, in fairness, so that we can understand it before we vote on it. We want to be fully apprised by our legal people. Therefore, if we can, we would like it stood down until Thursday. It is very difficult for us to attempt to deal with it.

Mr. Chairman: The request is that the entire subsection and the amendments to it be stood down until Thursday. Is there consensus on that?

Mr. Reycraft: Is it Mr. Davis's intent that we proceed to the remaining sections of the bill and leave this one in abeyance until Thursday?

Mr. Davis: We have no problem with that. If we could step this section down, we would be very appreciative and we could move to another section.

Mr. Allen: Given there are only 25 minutes left this afternoon, I do not have a huge problem with that. I would point out, if I understand Mr. Offer's motion, and I have read it several times, it is very simple. Legal counsel can tell us whether it is a legitimate device or not. I have not been here for eons myself and I certainly have not participated in amending a bill where this particular device has been used, but I understand from my reading that this is a legitimate and not totally uncommon device in parliamentary procedure.

Notwithstanding the legal language, all it says is that if what I moved is unconstitutional, it shall be considered severable from the act. In severing it from the act, the removal will not prejudice the rest of the act. As a concept, it is a very simple motion and it really should not take a lot of reflection to cope with this device that has been moved in Mr. Offer's proposed subsection 3.

Mr. Reville: Just to add one additional point to that, it seems to me that in the event the Tory

amendment was to carry, a severability clause like this might be something that would recommend itself to them because I am sure they would not want the whole bill to fail on the strength of their amendment being offensive to rights or privileges with respect to denominational schools.

I want to use that argument as a way of suggesting to the members of the Progressive Conservative caucus that this particular device is to protect the work we have all been engaged in from failure on the one approach to the hiring question. They should probably be able to deal with the substantive issue of whether we are going to allow preferential hiring and in what way we are going to do that. It seems to me that should be able to be addressed. It is something we addressed over and over again during the course of the hearings and that was addressed to us.

Mr. Jackson: Mr. Reville raises part of the point that is of concern to us. If we are going to proceed in this direction, we want to have all the assurances. I hope the two opposition parties have at least sought out the assurances that the wording achieves. The minister is not present at the moment, but we do not know how much notice the NDP gave of this amendment and to what extent it has had an opportunity to examine its true legal intent. It may be satisfied with having had it for only two minutes. It may have been satisfied had it had it for 24 hours. We do not know that.

6:10 p.m.

All we are stating is that for us as legislators, having invested what now amounts to nine months of our lives into understanding this bill, to be introduced now to a concept which was referred to during the hearings, but not put in clausal form until now, is something we would like to have examined. There are some significant questions here, such as which courts we are referring to and what constitutes the distinction. Not being a lawyer, I need explanations as to "either singularly or severally, prejudicially affects a right or privilege." What constitutes a privilege? I have not heard of constitutional privileges. I understand constitutional rights, but I am not sure what constitutional privileges will be implicit in that.

Our caucus is at a disadvantage, not having a lawyer in this committee.

Mr. Chairman: Never think that.

Mr. Jackson: It begs the question of the very test which is currently being undertaken in the

Supreme Court at considerable expense to several groups. What are the implications for us as a Legislature to state now for the first time publicly that, in our minds, there may be corrections required?

Therefore, I want it explained to me whether someone can come back to us as legislators and say, "Why did I go and invest so many hundreds of thousands of dollars to fight a court case when you are ready, willing and able to step aside and say, 'We will abide by the work that you have done in the courts?'"

These are substantial questions, which again, had the minister—oh, he has finished with his press conference. We might take the next while to go through those, but I believe it would be the most productive use of the time of the committee, as Mr. Davis has suggested, to stand down the section and proceed to the next section until such time as some of these questions are answered.

I reiterate, if the NDP is satisfied with all the legal questions I have raised and others I intend to raise, if it is satisfied with a one-minute or two-minute examination of this clause, then that is fine, but I do not think that we in the Conservative caucus could do justice to the clause, having seen it for only 20 minutes now.

Mr. Chairman: I gather Mr. Baetz wanted to be on the list as well, but Mr. Reycraft had no difficulty with this being stood down. I was hearing only some qualified concern over here. We could stand it down and move on.

Mr. Reycraft: I can understand the concern that has been expressed by Mr. Davis and Mr. Jackson. We have no difficulty in standing this one down and moving on to section 136m as long as we do not adjourn the committee.

Mr. Jackson: Thank you.

Mr. Chairman: That is what we will do, rather than speaking to procedural matters. Prior to getting to subsection 136m, I have Mr. Reycraft on subsection 136l(21) about the definition of seniority. That would be dealt with first. This is again on page 13 of the combined document.

Mr. Reycraft moves that section 136l be amended by adding the following subsection:

"(21) In this subsection, 'seniority' means seniority as agreed upon between the public board that employed the designated person and the organization that entered into a collective agreement with the public board in respect of the designated person, or where there is no collective agreement, in accordance with the policy of the public board."

Mr. Reycraft: It provides a definition. I do not think it requires any explanation.

Mr. Davis: That is a new subsection. It is not in the old bill.

Mr. Chairman: It is not in the old bill at all, as I can recall. Am I correct, Mr. Reycraft?

Mr. Reycraft: I believe that is the case. Perhaps Mr. Clifford or Mr. Kirkwood could address that.

Mr. Chairman: It is true. There is no section prior to this.

Mr. Davis: Can I ask a question of Mr. Reycraft? With respect to "in accordance with the policy of the public board," is it your understanding that all boards define seniority by some means?

Mr. Reycraft: I do not know of any that do not.

Mr. Chairman: Is there any further discussion? All those in favour of Mr. Reycraft's amendment to subsection 136l(21)? Carried.

Mr. Chairman: Is there anything in section 136l we have failed to deal with because of our constantly moving around? We want to be careful about this.

Mr. Davis: What about subsection 136l(1c)?

Mr. Chairman: Is this a clarification of your subsection?

Mr. Davis: Yes.

Mr. Chairman: Good. Why do we not read that in? We will go back to that as agreed before.

Mr. Davis moves that subsection 136l(1c) of the act, as approved by the committee at its meeting on May 26, 1986, be reopened and that it be amended to read as follows:

"(1c) The regulations or agreement referred to in subsection (1) may contain provisions in addition to those required by subsection (1a), including provisions related to the encouragement of the secondment and assignment of services of teachers and supervisory officers of the public board to positions with the Roman Catholic school board."

Mr. Davis: I would like to acknowledge and thank legal counsel.

Mr. Chairman: Does everybody have copies of this?

Mr. Davis: It was given out just at the beginning of the meeting.

Mr. Chairman: We seem to have a shortage up here, but if everybody has it, that is okay. Do you want to speak to it, Mr. Davis?

Mr. Davis: We have already discussed it and agreed to it. It was just that legal counsel was going to correct the wording.

Mr. Chairman: Any discussion? If not, let us take the vote. We passed the principle, but we were worried about the language. I do not know whether legal counsel would like to tell us why the language is so much better now.

Mr. Revell: There is one change in the subsection since yesterday that I think was essential. The old subsection 136l(1c) stated, "but in no case shall such additions contravene the provisions stipulated in subsection (1a)." I deleted those words because the first words, those in subsection 136l(1a), are mandatory; this one is permissive, and it has been my impression of the interpretation statutes that when you have a mandatory provision and a permissive provision, the mandatory always overrides the permissive.

Mr. Allen: I would appreciate it if it were read again.

Mr. Chairman: It will now read as follows:

"The regulations or agreement referred to in subsection (1) may contain provisions in addition to those required by subsection (1a), including provisions related to the encouragement of the secondment and assignment of services of teachers and supervisory officers of the public board to positions with the Roman Catholic school board."

All those in favour of Mr. Davis's motion, please indicate.

Motion agreed to.

Mr. Chairman: That clears up section 136l. We cannot move it in its entirety, anyway, because we still have subsection 136l(20) to deal with. Let us move on to section 136m.

Mr. Jackson: May I raise a question? There have been several references to the slip year adjustment for designated positions. May I inquire from Mr. Reycraft whether that matter has been addressed anywhere in the bill with the amendments he has put forward?

Mr. Reycraft: I do not believe there is any provision for it in the bill. There is provision, though, in the draft regulations that have been circulated to the members of the committee. Does Mr. Jackson have those?

Mr. Jackson: Yes. Since the committee is holding open a subsection of section 136l, could I be allowed to present an amendment on Thursday that might take it from regulations and put it into the new bill?

Mr. Chairman: It would be in order to move an amendment.

Mr. Jackson: I have gone through this process with you before, Mr. Chairman, where I needed your clearance to introduce a new subsection—not to go back to an old section, since we have not completely voted on section 136l.

Mr. Chairman: That is right. This will be in order. It may not be accepted, but a motion is in order.

Mr. Jackson: Thank you.

Mr. Reycraft: So that we can give it thorough consideration with respect to its acceptability, can we be assured that we will have the amendment as soon as possible?

Mr. Jackson: You will get it in more time than we are accustomed to getting in this committee.

Mr. Chairman: There are methods of dealing with it. We have a day and a half to get there. Why not just wait and see what happens?

6:20 p.m.

Mr. Reycraft: I do not recall any amendments coming to this committee on short notice from this side in the past two or three weeks.

Mr. Andrewes: What about this one?

Mr. Reycraft: It was spawned by other actions.

Mr. Jackson: A new word has been introduced into this whole romantic imagery around the accord: the notion of spawning.

Mr. Chairman: Some people get more excited about the accord than others, that is all. There is a greater sense of fulfilment for some people than for others.

We are on section 136m. I gather we have amendments right away.

Mr. Reycraft moves that subsection 136m(1) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

“(1) A dispute in respect of the designation of or the failure to designate a person on the teaching or other staffs of a public board or in respect of any matter arising under section 136l in the employment relationship between a designated person and a Roman Catholic school board may be resolved by a grievance arbitration in accordance with this section.

“(1a) The parties to the arbitration are the public board or the Roman Catholic school board, as the case requires, and the person or, if the person is employed in accordance with the terms of a collective agreement, the organization

that represents the person under the collective agreement.”

Do you wish to speak to how it is changed from the first draft?

Mr. Reycraft: The amendments are a result of advice the committee received from George Adams, the former chairman of the Ontario Labour Relations Board. Subsection 136m(1) allows dispute resolution to occur between a designated person and a Roman Catholic school board, as well as between a designated person and a public school board. The addition of subsection 136m(1a) permits the union or organization to which a person belongs to represent him in a dispute resolution.

Mr. Chairman: Is there any discussion?

Mr. Davis: I have just a point of clarification from Mr. Reycraft. As I understand it, there would immediately be at least three parties involved in the dispute: the teacher, the public board and the Roman Catholic separate board. Then on top of that, the Ontario Secondary School Teachers' Federation could intervene on the teacher's behalf as well. As I understand it, the Ontario English Catholic Teachers' Association could also become involved in respect of its understanding of relationships in the separate panel. Thus, in effect, in that first dispute you could have all the parties taking part simply because of their interest. Is that correct?

Mr. Reycraft: I am not sure how you could get both federations involved in the same dispute. I do not think OECTA would be drawn into it in the way you have described.

Mr. Davis: I would see OECTA being drawn into it in the fact that—

Maybe it is not so in every case. Maybe it is not in the case of the person who is designated, but it could be if they are discussing the number who are being designated. For example, without stirring up old ghosts, there is a board that indicated that the number of teachers designated by the public board was not a correct number, and there was a dispute. Would you see that resolution as pertaining only to the two boards, or would you see it involving the two federations as well?

Mr. Reycraft: Do you want to describe the example again?

Mr. Davis: In the Hamilton area there was a dispute about—

Mr. Chairman: If I might help; is the easiest way to do this to distinguish between the designation of a person and the numbers of persons who are to be designated? Then it is clear

the union would be involved in a dispute over designated persons or over the failure to designate an individual. If there is a dispute over the numbers of people designated by one board or the other, are the unions involved in the generic sense or only in protecting the individual named person or member of their affiliate?

Mr. Davis: Yes. Correct. He needs help to understand.

Mr. Reyecraft: I do need help.

Mr. Davis: In Hamilton there was a misunderstanding in which the public board declared 29 teachers, or whatever it was, surplus to its system. The separate board said there were really only 22, and so there were seven teachers who had been designated by the public board but who were not accepted by the separate school board. In that case, when they are trying to resolve that dispute, would both federations be involved?

Mr. Reyecraft: The amendments I have read deal with the designation or failure to designate persons. If the dispute is based on the number of people who have been designated, then I do not think this is the section of the bill that applies to the resolution of the dispute. I would like to ask for some assistance on this from the ministry staff, who could perhaps clarify the situation for you.

Mr. Kirkwood: The regulation with respect to designation deals with getting at the numbers. Where the boards fail to agree, the rules in the regulation lay out precisely how that number is arrived at. In the case of a disagreement over numbers, you simply follow the calculations in the proposed regulation and arrive at the numbers the board is required to take.

Mr. Chairman: Just to clear up what I am hearing so that we do not create debate at this point that we might want at another time, this section is not designed to deal with the disagreement over numbers, the interpretation of the regulations on the numbers to be designated.

Rather, it is specifically to deal with the complaints of an individual who is designated. Is that right?

Mr. Kirkwood: Yes.

Mr. Chairman: To deal with what you are saying, it would have to be additional to what we are dealing with here. Is there a reference to the numbers question in the act, or is it just in the regulations?

Mr. Kirkwood: Back in section 136l the regulation-making power is there to lay out the method by which the number of positions is determined.

Mr. Davis: May I just pursue that question? If the designation of numbers is in question, then in effect what the regulations do is simply to set out a formula to determine that number. But then this act does not afford any of the federations the opportunity to point out that this could be an error. Would that be correct? They do not have the right to represent and put forth their case as to whether those designated numbers are correct in any way.

Mr. Kirkwood: That has been dealt with in the amendments we have been going through in the last little while. Initially, it was in the draft regulation that you have before you.

Mr. Davis: It was?

Mr. Kirkwood: The requirement to consult with the federations prior to making an agreement, and also covering off the fact that the collective agreement cannot be abridged by any deal the boards make.

Mr. Chairman: Are we ready to vote on this, or would you like to hold this over?

Mr. Davis: We would like to hold it over.

Mr. Chairman: Then we are adjourned until Thursday at orders of the day.

The committee adjourned at 6:29 p.m.

CONTENTS**Tuesday, May 27, 1986**

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-169
Adjournment	S-190

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Andrewes, P. W. (Lincoln PC)
Baetz, R. C. (Ottawa West PC)
Davis, W. C. (Scarborough Centre PC)
Jackson, C. (Burlington South PC)
Johnston, R. F., Chairman (Scarborough West NDP)
Offer, S. (Mississauga North L)
Reville, D., Vice-Chairman (Riverdale NDP)
Reycraft, D. R. (Middlesex L)

Witnesses:**From the Ministry of Education:**

Conway, Hon. S. G., Minister of Education (Renfrew North L)
Clifford, J. F., Executive Director, Education Services Division
Kirkwood, W. T., Education Officer, Legislation Branch







Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Thursday, May 29, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, May 29, 1986

The committee met at 4:06 p.m. in room 151.

EDUCATION AMENDMENT ACT

(continued)

Consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: I call the meeting to order, as Mr. Davis makes his entrance.

Mr. Davis: I am learning.

Mr. Chairman: I thought you meant to carry your papers in your teeth. That is my normal way of carrying my things.

On section 2:

Mr. Chairman: The day before yesterday when we left off we were dealing with subsection 136m(1) of the act, as amended by Mr. Reycraft. We will go back to the other section, but I said we will complete this one before we go back to the subsections under section 1361 that we had not completed. There has been some discussion. Mr. Davis wanted to know whether this applies to numbers as well as to individuals. It was cleared up that it did not and that other subsections under 1361 were supposed to apply. That is where we left off.

Mr. Davis: I cannot remember; it was so long ago.

Mr. Chairman: Many of us are suffering from this difficulty. Is there any other discussion on that amendment by Mr. Reycraft to 136m(1) as amended, or the amendment to subsection 1?

Mr. Davis: What page are we on?

Mr. Chairman: Page 15. Is there any further discussion?

Mr. Reycraft: Was there an explanation of subsections 136m(1) and clause 136m(1a) on Tuesday?

Mr. Chairman: You had explained what you were trying to do and then there were some questions from Mr. Davis, to staff primarily as I recall, on whether or not this dealt with the question of numbers as well as individuals. I think it was Mr. Kirkwood who responded. He indicated there were certain subsections in 1361 which tried to deal with the question of numbers, as did the regulations in another location.

Seeing no further discussion on this subsection, all those in favour of Mr. Reycraft's

amendment, please indicate. Down. The motion carries.

Motion agreed to.

Mr. Chairman: Let us now go back to section 1361, and matters that were stood down just slightly earlier in the afternoon on Tuesday.

I will remind you that we have before us Mr. Offer's motion amending Mr. Allen's motion, which replaced Mr. Davis's motion, which had amended Mr. Reycraft's motion. The clerk has been helpful to us by trying to put the last package of Mr. Allen's and Mr. Offer's amendments into a grouping so we can see them together as one of the packages. The others then stand on their own, Mr. Davis's two and Mr. Reycraft's one.

Mr. Offer has caught my attention.

Mr. Offer: With respect to that motion to amend, I would like to enter a substitute motion. I am just wondering whether that is the proper way to do it.

Mr. Chairman: Yes. Are you just going to say that you would like to change the wording of your existing motion?

Mr. Offer: Yes.

Mr. Chairman: Mr. Offer moves that Mr. Allen's motion be amended by adding thereto the following, as a subsection of section 1361 of the act:

"(20c) If it is finally determined by a court that subsection 20a or 20b prejudicially affects a right or privilege with respect to denominational schools guaranteed by the Constitution of Canada, subsections 20a and 20b are repealed, it being the intention of the Legislature that the remaining provisions of the act are separate from an independent of the said subsections."

That is in order. Do you want to explain why you have changed the wording?

Mr. Offer: Basically, there are two areas of change or clarification. The first is with respect to the use of the word "finally" in the first line. This is intended to connote that there are no further appeals to be taken, that all routes of appeal have either been exhausted or have elapsed.

Second, in the fourth last line, the word "repealed" has been used instead of "severed," which was there before. The word "repeal" is

more consistent with the Interpretation Act. The word "sever" is not used in that particular act. It is found more in judicial decisions and texts. "Repeal" is apparently a more satisfactory word. I think the substitute motion is more of a clarification, more of a technical type of change.

Mr. Chairman: We now have that replacing the last section on the compilation page that the clerk has put together for you. That is in order and we are, I think, still debating the packages, if I can put it that way. Then we will take the votes in order from subsection 20c, as proposed by Mr. Offer, through the others. Is there any discussion? Mr. Reville?

Mr. Reville: I am voting.

Mr. Chairman: Oh, you are voting already? I see. Any discussion?

Mr. Davis: Just a point of clarification for me: are we debating all the amendments out there now, or are we doing only what is listed here as 20c?

Mr. Chairman: What is on the table, in strict terms, is 20c. What we had been debating were the alternative packages. We had Mr. Allen explaining why he was doing what he was doing, the minister explaining, reluctantly, why it would be acceptable if he had Mr. Offer's motion in it, and you explaining why you thought yours was the better approach to this.

I thought we were discussing the merits of the three approaches at this stage. We will then, of course, have to take the votes individually, going backwards from the latest posed.

Discussion?

Mr. Davis: Perhaps Mr. Allen can explain to us how he can make the proposal that we are going to enshrine in legislation the right of a group to discriminate for 10 years and then not discriminate. Perhaps he can explain to me the rationale as to how he can suggest discrimination can be legislated for 10 years and then, at the end of 10 years, say it is no longer applicable. I want that explained.

Mr. Chairman: Mr. Allen, would you like to comment?

Mr. Allen: There are essentially two lines of argument in that respect. First, for us to enter into the 10-year period is a radically different proposal with respect to hiring than was in the original bill, which was the bill that had gone before the courts of Ontario and which had been upheld as constitutional as it stood and which, of course, at the latter part of the decision, referred to the continuity of denominational hiring rights, they being constitutional but none the less

challengeable on a case-by-case basis, as the court put it. It seemed to us to be foolish to engage in this whole exercise of extending funding to the separate school system through a bill that had been deemed constitutional and then to put it all in jeopardy by a totally heavy-handed approach to the question of the hiring rights to that system.

Second, we recognize that not only the constitutional judgement we have had; but the recent Charter of Rights and Freedoms, reaffirm section 96 of the British North America Act. In that sense it is not a judgement, as so many people have said that is 120 years old; it is something that has been very current and is part of our current constitutional discussions and arrangements. Therefore, for us to ignore all that is senseless.

If I may say, with respect to the motion itself, our sense was that already, in the context of the 10-year provision, the separate school system had willingly indicated that it would accept a substantial modification of its hiring practices in order that all the accommodation of the 10 years happen and happen smoothly and equitably. We felt that was a very large step for that system to take and one that was not taken lightly. We did not want to, if you like, respond to that in a small-minded and in a mean-spirited fashion.

At the same time, we believed that there are, none the less, hiring problems—as I said the other day hiring practices—about which we had been unhappy under the protection of that section of the British North America Act and of section 29 of the charter. We felt we wanted to frame an amendment which puts before the separate system the proposition that perhaps it is possible to maintain their distinctiveness in an effective way in practice without necessarily having to resort to the kind of exemption that section 23 of the Human Rights Code in Ontario provides.

For all those reasons, it seemed to us both to be wise with regard to moving us through this whole exercise in a way that does not stomp heavily on people, and it also gives time for the courts to respond, for decisions to be made and for us to get used to new practices and new ways in governing education in Ontario. It is precisely for the opposite of those reasons that we rejected the course the Conservative critic has recommended, which we believe will jeopardize the bill and, in the way in which it is phrased, raises very substantial questions about the constitutionality of that amendment. It looks to us to be a very heavy-handed treatment of a group of people in our province who want a certain kind of

education, who have been told it is legitimate to have a distinctive system that is Catholic in nature and that therefore they have a legal right to the means to maintain it. We feel that our course is the better part of wisdom. It is judicious; it moves the system in the right direction and takes it where we think it should go. At the same time, it does not jeopardize the bill.

4:20 p.m.

Mr. Davis: It seems to me that we have an amendment in front of us about which a certain political party cannot seem to make up its mind. Either it does believe in discrimination or it does not.

I wonder if Mr. Allen could explain to me the latter part of his subsection 1361a(1), where he states that after 10 years of discrimination we are no longer going to allow separate boards to discriminate. Non-Catholics can then apply without being discriminated against, if they "agree to respect the philosophy and traditions of Roman Catholic separate schools in the performance of their duties."

Can he expound on how that is going to happen? What kinds of questions may be raised in an interview? What does he mean by that particular phraseology?

Mr. Allen: It is not up to the Legislature to tell the systems out there precisely how they will apply legislation. We have devised an approach that we think is translatable into a satisfactory administrative practice. There are ways in which the separate schools in other parts of the country tackle this problem.

For example, British Columbia has two different kinds of contracts, one for Catholic teachers and one for non-Catholic teachers it employs, in order to meet similar kinds of concerns with respect to the human rights code of that province and so on.

There are several ways in which a separate board could respond to this satisfactorily, but I do not think it is as much up to the Legislature to detail all the administration as it is to provide the general direction and overall legislation that would frame the principles on which those boards would function.

Mr. Davis: It seems as though I am listening to the Liberals today in the Legislature with that response.

Mr. Allen has stated in his amendments that they must "agree to respect the philosophy and traditions of Roman Catholic separate schools in the performance of their duties." I would again ask him to expand on what he means by that phrase. How is it applicable?

As the person who formulated this particular amendment and brought it before the committee, he should be able to explain it in a little more detail than to say, "Well, there are all kinds of ways of dealing with it."

I would like to know how he perceives that being used 10 years down the road when Harry James appears before a separate school board, or applies to a separate school board asking to be placed on the teaching staff.

Mr. Chairman: I presume he would be a music teacher, but—

Mr. Davis: Yes, he could have been.

Mr. Allen: As I hear Mr. Davis's question, he is simply telling me he disagrees with my previous explanation. That is the way in which I understand his remarks.

Mr. Davis: I did not say I disagreed. I asked Mr. Allen if he would expound upon how he perceives it working in the field. He has said that this is how it is going to happen; perhaps he can now give me an example of how it is going to happen. I do not think he had done that.

Mr. Allen: I gave him an example from British Columbia. I think that is sufficient.

Mr. Davis: Am I to believe that we are going to have two contracts in the separate school system? Is that what Mr. Allen is suggesting?

Mr. Allen: I did not say that.

Mr. Davis: Mr. Allen, is that what you are suggesting, two contracts in the separate school system?

Mr. Allen: I think the chairman knows I did not say that. I gave you an example.

Mr. Baetz: I just heard Dr. Allen say a minute ago that he hopes this committee will not be small-minded and mean-spirited on the whole issue of discrimination. I just wonder how any young, non-Roman Catholic graduate from a college of education would interpret that remark in the light of the fact that he is proposing we in fact discriminate against them, and will exclude them from employment right off the bat, a priori.

We will exclude them from the system—and especially now, when there is a great deal of unemployment and underemployment among some of the very brilliant young non-Roman Catholic graduates of colleges of education here in Ontario.

We continue to see what happens whenever somebody from California, Michigan, or wherever comes up here to recruit these graduates. They are flooding to the United States in desperation. I wonder how those people would

regard Dr. Allen's comments about being small-minded and mean-spirited, especially in the next 10 years. That is the critical period.

As we all know, 10 years from now, if the demographic projections are reasonably accurate, as they usually are if people only listened to them, we may even be concerned about a shortage of teachers rather than an abundance. But for the next 10 years, a crucial period for young graduates, they are not going to get jobs. Here we have a publicly financed system with the attitude, "We simply cannot entertain your application." How would Mr. Allen reply to those people?

Mr. Allen: I would ask them to reflect on how it was for 42 years. The Conservative regime in this province did exactly that.

Mr. Baetz: That has nothing to do with the question I raised. Would you please answer the question I asked?

Mr. Allen: My other response is that when you were not on this committee I helped to negotiate an early retirement plan that opened up approximately 5,000 jobs for those people in this province.

Mr. Baetz: You still have not answered the question. Mr. Chairman, I would like him to answer it.

Mr. Chairman: You should be a minister. I have always said that.

Mr. Baetz: That is a very moral, ethical, political and social issue facing this committee. We have to—

Mr. Allen: That is what I have been trying to tell you guys.

Mr. Davis: Perhaps Mr. Allen will explain the system he referred to that is used in British Columbia, with respect to the hiring of non-Roman Catholics into the separate school system.

Mr. Allen: Could you repeat the question?

Mr. Davis: In response to one of my questions, you indicated they might employ the system used in British Columbia to deal with that phrase in your amendment. I believe that is the province you indicated. I would like you to expand upon how they do it in British Columbia, how non-Catholics are hired into the separate school system.

Mr. Allen: I indicated the device, which I thought was self-explanatory. It does not need any expansion. I am not recommending it for Ontario. It is just one way in which a similar

jurisdiction responded when confronted with this issue. There are other ways.

Mr. Davis: Would Mr. Allen like to elaborate on some of the other ways he believes might be applicable to this section?

Mr. Chairman: I do not know.

Mr. Allen: There are interview processes and similar structures already in place whereby these things can be talked about and informally or more formally negotiated between boards and incoming teachers. Everybody who is employed has a contract of some kind. I do not recognize the difficulty Mr. Davis is having with this.

Mr. Davis: I have lots of difficulties with it.

Mr. Allen: That is obvious.

Mr. Davis: In that interviewing process, can I assume the interviewer would ask the faith of the individual who is applying after this new process comes into place?

Mr. Allen: I do not think that is necessary.

Mr. Davis: Then can I assume that the interviewer would ask the non-Catholic questions relating to his feeling about Roman Catholic theology and ideology?

Mr. Allen: He would only be asked the substance of the amendment, whether there was respect for the philosophy and traditions of the Roman Catholic separate school system.

4:30 p.m.

Mr. Davis: You envision the interviewer asking Mr. Warner, "Do you agree to respect the philosophy and traditions of the Roman Catholic separate schools in the performance of their duties?" Mr. Warner would say yes and then, provided he met all the other standards, he would be hired.

Mr. Allen: I am not a professional interviewer. I think Mr. Davis can see the train of discussion and its resolution in an understanding.

Mr. Davis: Perhaps we can inquire of the Liberal government members how they envision this phrase being used, since they now support it. What kind of process do they see incorporated in this province? Do they see two contracts in the separate school system, one for Catholics and one for non-Catholics, for example? This might be a mechanism that could be used, as Mr. Allen indicated.

Hon. Mr. Conway: On a bright, wonderful early summer afternoon, I might respond to my learned colleague's question by repeating as clearly as I can that the government position is as it was outlined by yours truly in my statement on Tuesday afternoon. That sets out, for anyone

who is prepared to be reasonable about this, the government view. Buttressing that, we stand again with the case we made and won in the Ontario Court of Appeal. I know the honourable member tires of hearing this. I recognize the difficulty some people have with this issue. I know, for example, in sharing eastern Ontario with the learned member for Ottawa West (Mr. Baetz), that he has wrestled with this for some time.

The government policy and the government position on this issue have been, from the very beginning, that we argue very seriously that in this process we are not creating some new system at the secondary level but completing one system with one set of consistent provisions and protections. The court has sustained us in that. The member is entitled to a contrary view, but that is the government view. I cannot really add much more to that. I draw the member's attention again to my statement of Tuesday afternoon for an explanation of the realities of the current milieu.

Mr. Davis: I welcome the minister's entrance into this discussion. This is hypothetical, but let me ask you whether, at the end of 10 years, if there has been no court determination in respect to the amendment your government now supports, I can assume you will be supporting the right of non-Catholic teachers to apply to separate secondary schools and to be hired without being discriminated against on the basis of religion.

Hon. Mr. Conway: We fully expect the government position in this matter will be sustained in the courts well before the 10-year period to which the member and the New Democratic Party amendment refer has elapsed. I have nothing further to add.

Mr. Davis: I want to come back to a question of Mr. Allen. Do you believe it is only during the 10-year period your amendment talks about, which in some areas has not yet begun and in some areas will begin only next year, that the Roman Catholic student graduating from teaching college should be allowed to apply to both the separate and public boards and the non-Catholic graduate should only apply to the public boards?

Mr. Allen: It is very interesting that this whole train of questioning rests on the presumption that there is something unconstitutional, something improper, according to the Charter of Rights and Freedoms of this country, that the separate school system now does.

It is very interesting to me that Mr. Davis is so ready and happy to trample on established

constitutional rights and arrangements in this country and seems to be so insensitive to them that he feels no dilemma with respect to any of his own positions or questions or, in fact, his own amendment. I do not feel it is necessary to answer questions that rest on an assumption that there is something unconstitutional about what currently happens. That is the nub of our dilemma. If he cannot see that, then that is the end of my answers to his questions.

Mr. Davis: Mr. Allen, I bet you do not want to answer questions. I have no doubt of it. Someone who suggests, as you do so strongly, the constitutional rights of the Roman Catholic separate school board to hire only Catholics, and then blatantly suggests that at the end of 10 years it can no longer do so, has not made up his mind. If you believe it is correct and just now, I have great difficulty, and perhaps you can enlighten me, understanding why, after 10 years, it is no longer correct and just and constitutional.

Mr. Allen: It happens to be constitutional now. There is a moral dilemma involved in the issue, and you know it very well. The problem of resolving that is not an easy one. It also takes time for an institutional adjustment. That is the problem. You want to do everything right away, as though you were living in a world of fantasy, Mr. Davis. It just will not work.

Mr. Davis: I point out to my learned colleague that in 1962 it was the Progressive Conservative Party that introduced the enactment of the Ontario Human Rights Code. I also point out what it stated in 1962, to indicate that we are being true to the kind of philosophy we are now espousing, that is prohibiting discrimination on the grounds of race, creed, colour, nationality, ancestry or place of origin.

Mr. Allen: And in section 23 you gave an exemption to the Catholic community.

Mr. Davis: I know what we did in section 23; but that was elementary.

Mr. Chairman: Mr. Davis, I have a question for you. I gather he—

Mr. Davis: Can you do that?

Mr. Chairman: Why not? I have the chair.

To me, the fascinating thing about your position—and we are looking for clearer positions in all this—is that for a long period of time when that act was in place you accepted that there could be this discriminatory hiring for grades 9 and 10, which even with the extension will make up more than half the population in that system. You were willing to accept that for many years after the extension to grades 9 and 10. Now, all of a

sudden, because grades 11 and 12 are going to be added, it is an offence to you. Explain this to me.

Mr. Jackson: Enlightenment comes late to those who are willing to listen.

Mr. Davis: The extension to grades 9 and 10 was through an order in council; and it was an elementary thing, it was not secondary. It never has been secondary. In fact, it will only become secondary when royal assent is given to this bill.

Mr. Chairman: So if we called it all elementary, it would be fine with you.

Mr. Davis: As we began the debate on Bill 30, it was certainly my intention to be fair, just and understanding. As we went around the province I found there is reception within sectors of the Catholic community to having open access for students; there is acceptance of hiring non-Catholic teachers; and, Mr. Chairman, I would point out there is great consternation that religious education was part and parcel and should remain for students who entered. That is what I heard in the debate. Other people may have heard other things.

I find it interesting that this amendment is trying to sit on the fence. In this case, both the NDP, which moved the amendment, and the Liberals who have now, as their daily publication the *Toronto Star* indicated, moved off that particular area—with all due respect, they have really made a change in philosophy and direction, making some assumptions that may not come true. What you find—

Hon. Mr. Conway: Mr. Davis—

Mr. Davis: I have not finished yet.

Hon. Mr. Conway: —unlike Joe Clarke, I can count. I see the world around me.

4:40 p.m.

Mr. Davis: What you find is the government and the third party stating that what they believe are the constitutional rights should apply for 10 years. At the end of 10 years, they suggest rights should apply no longer. I find it difficult to understand. Either you believe in discrimination or you do not.

At this time, the submission of our party is that with the passage of Bill 30, non-Catholics should have the right to access the separate school secondary system. We believe that is fair and just and we look to our amendment, which indicated that was our position. We wanted to put it forward, although we realize it will not come up for debate because of this amendment.

This amendment will pass enshrining in legislation, and I stand to be corrected, but I believe for the first time in a piece of public

legislation, a discriminatory clause. I do not believe the clause for elementary is enshrined in legislation, which I find strange. I could be wrong and I stand to be corrected.

It is also interesting that we incorporate phrases. I come back to the fact that when we talk about the single-school communities, for which we have great compassion and concern, and we try to address the matter realistically, the way we address it is in phrases that have little meaning, such as “in the best interest of public education,” which nobody has defined.

Here we have Mr. Allen’s phrase, “agree to respect the philosophy and traditions of Roman Catholic separate schools in the performance of their duty.” He is not quite sure how that will be applicable and then takes offence when we ask him how. We believe our amendment is more fair and more just. It is the one we support. As we have already indicated, we cannot support a resolution such as the one before us.

Mr. Baetz: I have a comment to the minister. On several occasions he has referred to Joe Clark’s famous or infamous—

Mr. Chairman: Joe is counting better these days. I saw a good article on that.

Mr. Baetz: He says he can count, whereas Joe Clark could not.

I remind the minister of another famous quote in recent Canadian history, made by Mr. Mulroney to Mr. Turner during the famous television debate. Do you remember the famous phrase on patronage appointments? “You, sir, had a choice.”

The minister had a choice here of supporting our amendment or the New Democratic Party amendment. It was your choice, as I understand it, between what you fully believe are the rights, still to be defined, of the Roman Catholic secondary school system, as contrasted to the individual human rights spelled out under our Charter of Rights. You had a choice of protecting either one and you made it. You should be very concerned about the choice you have made.

Mr. Jackson: As a point of clarification, it is the Liberal Party that is pro-choice. Mr. Conway may not personally be in favour of pro-choice. I want to make that distinction.

Mr. Baetz: He is the party as far as we are concerned.

Hon. Mr. Conway: I want to deal with the comment of my friend the member for Ottawa West. I have known the honourable member a long time and I rather like him.

Mr. Baetz: Mutual admiration.

Hon. Mr. Conway: On this we have a fundamental difference of opinion. On this critical question now before the committee there are three proposals: the government proposal, the New Democratic Party proposal and the Progressive Conservative proposal.

The point I make about Mr. Clark is related to responsible government. This is a minority environment. I am being quite candid in recognizing that. I support, advance and strongly believe in the government position and I am quite confident it will triumph in the Supreme Court of Canada as it has already triumphed in the Ontario Court of Appeal.

I understand how reasonable, well-intentioned individuals disagree with me on that. That is the nature of a healthy democratic dialogue. I find the Progressive Conservative amendment, although honourably offered, a fundamental attack on the essence of the separate school system. I know he does not agree but that is my view.

It comes back to the point the learned critic for the official opposition and I have been disputing recently: what are we doing here? From the government's point of view, we are not creating something in the secondary panel that is qualitatively different. We are completing a unity under the constitutional provisions afforded to Roman Catholics in this province a long time ago at Confederation and renewed when the Constitution was patriated some four years ago.

It is interesting to listen to my learned friend the opposition critic when he talks about life in the contemporary age. When one looks at the debate on constitutional renewal and the Canadian Charter of Rights and Freedoms, where did the most obvious pressure for section 29 of the charter arise? It came from two very learned gentlemen, the Conservative Premier of Newfoundland and the very distinguished Progressive Conservative member of Parliament for St. John's East, who well recognized the fundamental importance to Newfoundland of the denominational school system that has developed in that province. That is why section 29 of the charter is there in the first place.

My point is simply this. It is quite true, as the learned member for Ottawa West points out, that there was a choice, and we will each of us stand, if not on our first choice, then of necessity in this parliamentary environment on our second choice. My comment on Tuesday makes clear what the Government's intentions are. This minister believes absolutely in the government's position.

However, since it is not going to prevail in this committee, then as a democrat who appreciates the context of his current parliamentary environment, I will have to accept an amendment that attacks least what we believe is fundamental to this whole process. I entirely respect the position of honourable members in disagreeing with me. My sincere hope is that a position that respects what I believe to be the integrity of this whole enterprise will carry.

Mr. Baetz: A lot of our disagreement on this issue goes back to the basic question on which there definitely is disagreement, and that is whether we are speaking about a secondary school system or an elementary school system. You would have no problem with anyone here in defending the elementary Roman Catholic separate school system; that stays by itself. However, we do not accept your concept that this is simply a completion of that system, that the whole thing is integrated, is a unity and is indivisible. We cannot accept that.

Looking at the Court of Appeal decision in Ontario, the majority position recognized that there were two systems. It goes back to the Tiny township case. The elementary system is enshrined in our Constitution and in our laws. What one does with the secondary system is up to the individual provinces, to the political rulers of the various provinces. Surely they would not have even bothered making this point if they had assumed there was only one system. This is one reason we have the greatest difficulty accepting this amendment.

If I may make a further comment, because I have heard the minister—and he is a very eloquent minister, I wish I could be as eloquent as he is—

Mr. Chairman: He is a lovely talker, is he not?

Mr. Baetz: Oh, he is tremendous. His show in the House this afternoon was not up to his highest standard, but you excuse that once in a while.

Hon. Mr. Conway: You will admit I was provoked.

Mr. Baetz: You were provoked, yes.

Mr. Jackson: You need new material. Get new writers.

Mr. Baetz: On many occasions I have heard him talk about the quid pro quo—I am sure he has used better language than that—between the two founding provinces of Confederation, or the Quebec-Ontario situation, how these were the cornerstones and the Catholic system was to be protected in this province, the Protestant in that province and how this delicate balance that

preserves our Confederation must not be tampered with in any way.

4:50 p.m.

This is true; we respect that. However, even a few days ago I heard you or somebody say that if we do not do what you are proposing here, we are going to evoke the wrath of the people of Quebec. I happen to be a very good friend of the director of personnel of the Protestant School Board of Greater Montreal. I happened to give him a call today about discrimination in hiring. He said, "On what?" I said: "We are now debating in committee the question of discrimination in your hiring practices?" "Good God, no," he said. "We are not allowed to ask any questions about what religion or any religion." He was amazed that this was even a major subject for debate here.

When I heard this, I was convinced that if this committee in its wisdom were to accept our amendment or a friendly amendment thereto and came to some arrangement about discrimination, it would not shake the foundations of our great nation. There have been many non-Protestant members on the Protestant school board since 1965. About 70 per cent of French-speaking teachers in the Montreal Protestant school board today are Roman Catholic. They have found a way to work together with this religious segregation.

Hon. Mr. Conway: I appreciate what the member is saying. In the final analysis, I suppose it is not for you and me to arbitrate or adjudicate this. There are people called judges who will pass final comment in this direction. In that respect, let me cite from the recent Ontario Court of Appeal case, page 25:

"Moreover, as noted earlier, both Ontario and Quebec entered into Confederation on the condition that the educational rights of the religious minorities in those provinces were protected. This was one of the cornerstones of Confederation. The recognition and protection of the educational rights of the Protestant minority in Quebec and of the Roman Catholic minority in Ontario constituted a condition precedent to those provinces becoming part of Canada. Section 93 of the original Constitution Act gave effect to that bargain, which has been fulfilled in Quebec. It should not be broken in Ontario."

That is the interpretation of our highest court. I know some people do not agree with that. I say to the honourable member, and I cannot say it more sincerely or strongly, that I believe very keenly that I have seen nothing to make me believe Mr. Davis did not understand and believe this when

he made his announcement in 1984 that we were completing a debate and a journey that began in this province 140 years before. We were not starting something new; we were finishing something old. The notion that we are not going to complete a system with one set of constitutional protections is quite beyond my comprehension, although I understand how others might choose to disagree.

Mr. Jackson: I want to respond to the minister's reference in his response to Mr. Davis that the concerns raised here could be seen as an attack on the Catholic system. He also made reference to the realities of minority government. The realities are that sometimes three positions are chosen, and on this specific issue I think three positions were chosen. There was a distinct and clear difference between that taken by the government and that taken by the Progressive Conservative Party. The New Democratic Party, for whatever reason, chose middle ground. In this instance it was like having both feet firmly planted in midair. It was sort of, "Maybe before or after 10 years, depending."

I do not think the members of the Conservative caucus should be too harsh on a minister who has expressed some flexibility in this matter and now has moved to one of those positions. It is appropriate. I wish this new-found flexibility of the Minister of Education might find its way to the Minister of Health (Mr. Elston), with whom we have exactly the same dilemma. The minister made reference to confrontation and to the destruction of a system. Perhaps you could convey to the Minister of Health that a third and middle-ground position might have been more comfortable and more rightfully the place of this government with respect to the doctors' strike, a position which they could have taken and so achieved the very goals to which the Minister of Education has referred.

I do not think it is fair to indicate that any given position is an attack on the separate system. With all due respect to the minister, most of the members before you have sat through public hearings. To a large degree, in three different presentations, we have attempted to present our amendments, which we believe reflect that kinds of extensive presentations we heard.

There was a relatively large voice in the Catholic community on the interpretation of what constitutes the catholicity of its system. Many presentations rated the students, the facilities and the atmosphere in that school as having more to do with the so-called catholicity than did the hiring practices. That was reinforced by evidence

before the committee of some school boards that hired non-Catholics extensively and were very comfortable with them and very proud and pleased to have them as their employees. We even had chaplains.

Mr. Chairman: It is a lay position.

Mr. Jackson: It is a lay position, and there were several documented cases of non-Catholics in that very highly sensitive but important cornerstone position in our Catholic secondary schools.

Yet we have what two political parties believe. This is again one of the realities of minority government. I am sure Mr. Offer will listen on behalf of the minister. Two political parties have taken a position different from that of the government on another aspect of their interpretation of catholicity.

I do not think it is productive in the debate for any of the political parties represented here to make references to attacks on either. We are trying to temper our comments about what we perceive as an attack by this government on the public school system. I know that was not the minister's intent, but we are trying to make that point. It is hard to put our countering arguments in the positive, because that is what we feel we are defending at this point. I hope we can all proceed with the amendment with that in mind.

Mr. Chairman: If I might, concerning the imputing of motive in either direction, it was a very helpful comment. I would also say that your statement about straddling the fence reminded me of a W. A. C. Bennett quote. He had this wonderful ability to mix metaphors. He spoke about an honourable member for whom he had great admiration because he had the capacity to straddle the fence and keep both ears to the ground at the same time.

Hon. Mr. Conway: Just a brief comment. Your advice is very well offered and, I hope, well taken, Mr. Chairman.

Having sat through this debate for 11 months, I know that a lot of people have offered a lot of opinions about what makes for a separate school system, but it is also important to look at what the courts have said in determining the essence of a separate school system.

As recently as the Margaret Caldwell case, settled in the Supreme Court of Canada in 1984, and certainly in the Ontario Court of Appeal Essex county case of 1978, the principle that has always been determined as the essential component, the essential reality of the separate school, was reaffirmed, and that is the teacher. There is no question in my mind, Mr. Jackson, that when,

in the final analysis, one looks for a determination of the essence of the separate school, it is in the teacher. The courts, including the Supreme Court of Canada in 1984, have made that absolutely clear.

Mr. Chairman: I do get the sense that it is a matter of trying to convince people, which is not the point. It is a matter of presenting positions.

Mr. Jackson: I merely wanted to point out the track we should be pursuing.

Mr. Chairman: I thought your comments were very helpful. I was just trying to tell the minister not to restate his positions. Mr. Davis had a point.

5 p.m.

Mr. Jackson: I have just a supplementary statement by way of comment. We are seeking a contemporary piece of legislation and a contemporary response to a very difficult issue that has its foundations in history and in tradition. I do not want us to lose sight of the fact that it requires a contemporary response, and I do not think either of us should rush to those arguments until such time as we have examined wholly the ways in which we can make the bill contemporary.

Mr. Davis: I would point out very quickly to the minister that the cases so far before the courts have not been judged within the Constitution. They were started before the Constitution was brought home.

I would also point out that those cases before the courts were all elementary issues, which we understand. The determination of the Court of Appeal, now going on to the Supreme Court, indicated quite strongly, in my view, that the issue of how they handle a non-Catholic teacher in the separate school system would be judged on each individual case.

I just say again, to reiterate Mr. Jackson's concern or statement, that we are in no way attempting to destroy the separate school system. We certainly believe we were responding to information we have received from parents within the Catholic system, from educators within the Catholic system and from persons within the hierarchy of the church. They can see no great difficulty in hiring non-Catholic teachers. We also tried to respond to what we believed was the fairness of a young student graduating from school having the right to apply to both systems, as a Roman Catholic student can now do.

I can say only I have great difficulty in understanding how we can support an amendment which says that for 10 years we are going to

agree on the distinctiveness of the separate school, that the Roman Catholic school board may hire only Catholics, and then, 10 years down the road, say, "I am sorry, but we are going to change our mind now." That is really what this amendment says. It says that for 10 years it is okay to discriminate, but at the end of that 10-year period, "I am sorry, people, but we are not going to allow you to do that."

I find great difficulty with that. I appreciate that the minister had a difficult decision to make. I would like to ask him whether there was a possibility not to select either one. That was another choice the minister had, on which he did not comment. Would you like to comment on that?

Hon. Mr. Conway: I have said all that profitably need be said by the minister.

Mr. Jackson: That is the best statement I have heard.

Mr. Chairman: Again you are right, Mr. Jackson.

Mr. Baetz: May I ask a question as a Johnny-come-lately on this committee? To go back to the minister's observation that the heart and core of the school system is its teachers, I guess there is a fairly universal feeling about that. If that is the case, so much the case that we do not want to open up the system to young Roman Catholic kids coming in, what do you perceive will happen to the Roman Catholic secondary system with the massive infusion of designated teachers, many of whom may not even have very strong convictions about some of the prevailing values that are offered in the Catholic system? You do not seem to worry about that, and yet there seems to be an enormous worry about this discrimination of the young Roman Catholic teachers wanting to get into the system.

Hon. Mr. Conway: I have two points on that. To be fair, your government, under the leadership of William Davis, indicated that any legislation he would have advanced would certainly have provided, of necessity and, in our view, quite justifiably, transitional provisions to protect those public school teachers and employees who would have been affected by virtue of the enrolment shift. So we have built into the legislation, with your help, with the committee's help, very strong and very effective transitional provisions which will fully protect the public school teachers and other employees who move across as a result of an enrolment shift.

I can tell the member for Ottawa West we do not see that shift as being massive. The first year

data now in show that 5,700 public school students shifted across from the public to the separate system. That displaced 157 teachers, all of whom were provided for in the extended separate school system. Second-year projections, and that is all they are at this point, suggest that in the neighbourhood of 6,500 to 6,700 students will shift across, and that will likely displace approximately 200 teachers. We expect—not just expect, this legislation will guarantee protection for those individuals. The point of the data is simply that we do not see it as being massive.

The other question is the fundamental question of our determination of the constitutional rights and privileges afforded by the Canadian Constitution to the separate school community. In our view, the most fundamental of these rights and privileges is the right of the separate school trustees to hire teachers who give effect to the denominational character of that system. That is the case we have made both in the parliamentary and in the legal sense.

Mr. Baetz: You have just placed it at a lower priority than the protection of teachers' rights.

Hon. Mr. Conway: We have never denied, and I do not sense there is any willingness on the part of the committee to deny, that there must be, in the interests of social justice and economic fairness, protection for the public school teachers and employees who will be affected by virtue of the enrolment shift which, to one degree or another, this provincial policy is going to trigger.

Mr. Jackson: At least for two years in some cases.

Mr. Chairman: Which two years? I gather changes are called for in the amendments.

Mr. Davis: That is our understanding of the amendments.

Mr. Jackson: It reflects the realities of minority government.

Mr. Davis: It does to those who live in the present and read the legislation.

I have two questions for the minister. I understand the thrust of the New Democratic Party's amendment. I do not understand why they put it there but I understand its thrust. One of the interesting parts is that they agree to respect the philosophy and traditions of the Roman Catholic separate schools in the performance of their duties. Mr. Allen has suggested that one way may be dual contracts. Have you considered that as a possibility?

Hon. Mr. Conway: On the subject of the amendments before us, I have nothing further to add.

Mr. Davis: If I could ask one further question about something the minister just stated as he was responding to my colleague: am I correct in the assumption that you said 5,700 students transferred from the public system to the separate system and that involved 175 teachers?

Hon. Mr. Conway: I said 157.

Mr. Davis: Perhaps you could explain to me, Minister, if you use a pupil-teacher ratio of 20 and you multiply by 157, you will have 3,150 students who transfer. Why do fewer teachers transfer than students? I believe you made the remark that the teacher follows the student.

Mr. Jackson: I remember you said you could count.

Mr. Davis: That is right. Do not mention it to the minister. How do you explain the difference?

Hon. Mr. Conway: I am delighted the honourable member asked this question. It is a very good question to ask. It is a question I—

Mr. Jackson: Perhaps we should save it for the House.

5:10 p.m.

Hon. Mr. Conway: Or for a journalist who wrote a fairly interesting and quite misleading piece on this subject 36 hours ago. The fact of the matter is, as the former chairman of the Scarborough Board of Education and the distinguished vice-chairman of the Metropolitan Toronto School Board would know, in the course of the year there is what is called normal attrition. Some teachers retire or leave the system for a variety of reasons.

It is quite unreliable and quite pointless to apply some kind of PTR in this connection, as was so wrongly done in the case of a totally confused and erroneous piece in the *Globe and Mail* 36 hours ago.

Mr. Davis: I would be interested to know the dimensions by which you do your calculations. If you use a PTR rate of 20—I do not believe that is the PTR rate of the public school system, although the suggestion in the original Bill 30 was that you would use the PTR rate of the public education system—I am going to use 20, although I think the rate is about 17 or 16, depending on where you are. That means 275 teachers should have moved across.

You continually stated, Minister, as we went through the province, that teachers follow students. I have a difference of about 100 teachers who did not move across. You are saying that in public boards, through attrition and

people retiring, teachers do not have to move, even though students do.

Hon. Mr. Conway: This is a clearly worked-out formula that is well known to you. The only point I want to make in this connection is that it is quite wrong to do what some people did, to take the total enrolment shift and apply some kind of public school PTR. In the article to which I made reference earlier in the week, it was done at 16 to one. If you use that ratio, you come up with 5,700 students transferring and 356 displaced teachers.

The fact is that there is a lot more happening in the system. All we are saying is that there is going to be a clear commitment given to teachers displaced as a result of extension. They are going to be provided for. That was the other difficulty in the article the other day. There is a lot of growth going on in the separate school system. For example, there is another enrolment shift.

Mr. Chairman: The only difficulty I am having with all this—you know I find higher math fascinating and I have been captivated by this for years—is that it is all out of order at the moment because it has nothing to do with the motions we are on. It may have to do with earlier sections or even other sections.

This is substantial enough for us. As Mr. Jackson was indicating, all three parties have put an awful lot of thought into their positions on this. I wonder whether we can restrict ourselves to the collection of motions we have before us.

Mr. Davis: I did not raise it, Mr. Chairman. The minister did. I just wanted clarification.

Mr. Chairman: Is there anything further on the subsections we are dealing with under section 20?

Mr. Andrewes: Could I have a point of order, Mr. Chairman?

Mr. Chairman: Please do, Mr. Andrewes.

Mr. Andrewes: I have kept myself out of this debate to some degree because I am, like Mr. Baetz, a Johnny-come-lately to the whole subject, although it has been a subject that has held some fascination for probably every member of the provincial Legislature for some time.

My objective observations—I hope they are objective—

Mr. Chairman: I am sure they will be.

Mr. Andrewes: Why am I sitting on this side of the table?

Mr. Davis: We would like to know that, too.

Mr. Jackson: A fourth party. Today Jim Henderson will join you.

Mr. Andrewes: There are two issues which give me some difficulty. First is the position of the government in now accepting the motion of the New Democratic Party which would allow the boards to carry on a selectivity—a discrimination, if you wish—in their hiring practices for a period of time.

I recognize the concerns of the Roman Catholic school boards in regard to retaining the catholicity of their system. I have heard from a number of them. I recognize, as the minister has pointed out on numerous occasions, that the courts have in the past ruled that catholicity is certainly centred in and emanates from the aspect of the hiring practices. The government, based on its original bill, apparently wishes to sustain that active discrimination.

The minister has indicated that he can count, so he is willing to accept the line of least resistance. What still fascinates me is the position of the New Democratic Party.

Mr. Reville: Lots of people find it fascinating. I am leaving.

Mr. Jackson: If you cannot take the heat, do not get in the kitchen.

Mr. Andrewes: I am sorry Mr. Reville will not be here for these fascinating comments.

Mr. Chairman: Do not worry, I will read the Hansard to him because I have to stay here for it.

Mr. Andrewes: I will send him an autographed copy, if he wishes.

What appears to be an absolute contradiction is that the NDP is saying it will allow discrimination for 10 years. It finds that tolerable. Mr. Allen has suggested that is a phase-out or a phase-in period, I am not quite sure which. Perhaps it is withdrawal, as one would undertake with cigarettes, Mr. Chairman.

Mr. Baetz: Or pipes.

Mr. Andrewes: Perhaps it is weaning, as one might undertake in other activities, which Mr. Jackson will understand in the fullness of time as well. After a 10-year period, the NDP finds the act intolerable. To me, that is a clear contradiction.

I have another more practical point. My colleague Mr. Davis has talked about the fairness to young graduates reaching the end of their training, moving into the job market and looking for opportunities as teachers. I want to make a more practical point which has not yet been put in support of our amendment. In my view, a school system is designed to best serve the interests and the purposes of the students who attend it. A religious education is a blend of the philosophy

of the religious principles with the curriculum and the quality and the skills of the teaching staff who are involved in that system.

It appears to me that the Roman Catholic school community is trading off the principle of the conviction of new employees and new teachers in that system against a broader spectrum of quality and skill in the potential teachers they might hire. That seems to be a compromise. I should be able to understand better why the trustees in the Roman Catholic school boards are willing to make that compromise. I do not understand that well enough at the moment.

My final point is this, and it explains why I am sitting on this side of the table. It is subsection 1361(20c). I understand the practicality of it. We do not want to have to go through extensive public hearings and amendments to the Education Act all over again, if the courts rule one way or another on this point.

This subsection gives over to the courts the rather cherished rights—rights that I have learned here and prior to coming here—of legislators to review legislation, to review laws, to amend them, to change them, to alter them, to have input on them and to represent in a democracy the people who put us here. I find that subsection offensive. I know I am on my own to some degree, but I find it an abrogation of our responsibilities as legislators, which is a matter of a lot of public concern these days.

I will end my comments there and speak on subsection 20c at some later point.

5:20 p.m.

Mr. Chairman: Any further discussion? We have been talking about the package together, so I will move through the votes. The first vote will be on subsection 20c. Therefore, make any comments you would like to make before we take the votes. I presume, as we go through, there will be a recorded vote on each one, since they are of major import to the bill. I also presume we were covering our debate on each of these sections, as we just discussed. Are there any comments on subsection 20c? First, Mr. Davis.

Mr. Davis: Very quickly, I believe that subsection 20c is not required. We understand from our legal people that the courts will strike it out and not defer the whole bill because of it. We will not be supporting it.

Mr. Andrewes: I have no further comments. I understand the practicalities of such subsections. At the same time, I am told they will become more a part of legislation as new legislation is drawn and enacted without clear guidelines on their constitutionality. I will pass on making

further comments. I have said what I had on my mind.

Mr. Chairman: The whole question of the interplay between the courts and the Legislature, as a result of the charter and other things, is an area of concern to many members. Any further discussion?

Mr. Reycraft: Are we agreed there will be a recorded vote?

Mr. Chairman: They will all be recorded votes, yes. That is the most straightforward way. I presume that would be requested anyhow.

I will read them to avoid confusion, if that is all right, so everyone is aware of what we are dealing with. Some of them are amendments to amendments.

This is Mr. Offer's motion, which amends section 1361 to create subsection 20c. It reads:

"(20c) If it is finally determined by a court that subsection (20a) or (20b) prejudicially affects a right or privilege with respect to denominational schools guaranteed by the Constitution of Canada, subsections (20a) and (20b) are repealed, it being the intention of the Legislature that the remaining provisions of the act are separate from and independent of the said subsections."

The committee divided on Mr. Offer's motion, which was agreed to on the following vote:

Ayes

Allen, Epp, Miller, G. I., Ofer, Reycraft, Reville.

Nays

Andrewes, Baetz, Davis, Jackson.

Ayes 6; nays 4.

Mr. Chairman: We will move to the following motion, which is Mr. Allen's. It would include these three subsections, the first of which is:

"Section 4 of the Human Rights Code, 1981, applies to designated persons employed by a Roman Catholic school board in respect of their employment, advancement and promotion by the board, notwithstanding section 23 of the said code."

That is the first one we vote on. The second is:

"For the purpose of maintaining the distinctiveness of separate schools, the Roman Catholic school board may require as a condition of employment that teachers hired by the board after the 10 school year period mentioned in subsection 1361(3) agree to respect the philosophy and traditions of Roman Catholic separate schools in the performance of their duties."

The section and subsection numbers would change in the body as we renumber. There is a further subsection:

"Subject to subsection (1), and despite section 23 of the Human Rights Code, 1981, section 4 of the said code applies to ensure that such teachers employed by a Roman Catholic school board will enjoy equal opportunity in respect of their employment, advancement and promotion by the board."

Mr. Davis: We want to go on record to say that, because of the way the NDP amendment is worded, we cannot support it. We believe our amendments are better and more effective. We understand that the Human Rights Code should be applicable to teachers who are second across or go voluntarily. We will be voting against those subsections, but we want to go on record as saying it in no way detracts from the amendments we had placed, which guaranteed the application of the Human Rights Code plus the Education Act to the designated teachers.

On a point of clarification, is that latter subsection applicable to the designated teachers, or does it apply only to the first subsection to which you referred?

Mr. Chairman: It applies back to that subsection, which would apply to all teachers, as I understand it.

Mr. Davis: So it would go right back to all teachers.

Mr. Chairman: You are asking about the reference to "such teachers," which refers back to the first subsections. Are you asking which teachers those are?

Mr. Davis: Yes. I believe that in the discussion we had, we indicated—maybe we dealt with it; that is why I am asking—that on page 11 we wanted to incorporate into the legislation our subsection 1361(8), which is, "The Roman Catholic school board shall not impose any expectations upon designated persons beyond the normal duties, in the case of teachers as set out in section 235 of the Education Act and section 21 of Regulation 262 and, in the case supervisory officers staff and other staffs, a similar approach shall be taken." I have forgotten what you said to do with that.

Mr. Chairman: We can still vote on those matters. The clearest way of dealing with all this might be to take the votes on Mr. Allen's motions and, regardless of what the outcome is, still take the vote on both of Mr. Davis's motions. It can be argued that at least one of them contradicts what we will have just passed if we pass Mr. Allen's

motion, but it could be argued that the other one may be seen to be supplementary to or slightly different from what we have. It would be cleanest if we were to go through it in that fashion. It would make it easier for you as well.

I have been asked to remind you that Mr. Offer's motion was to amend what we are just about to deal with and is therefore contingent upon our passing of what is before us now. We will take Mr. Allen's subsection 1361(20), the first subsection I read, before we go into that affecting the post-10-year period.

His first section reads: "Section 4 of the Human Rights Code, 1981, applies," etc.

The committee divided on Mr. Allen's motion, which was agreed to on the following vote:

Ayes

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Nays

Andrewes, Baetz, Davis, Jackson.

Ayes 6; nays 4.

Mr. Chairman: Mr. Allen's paragraph 1361(20)1 reads: "For the purpose of maintaining the distinctiveness of separate schools," etc.

The committee divided on Mr. Allen's motion, which was agreed to on the following vote:

Ayes

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Nays

Andrewes, Baetz, Davis, Jackson.

Ayes 6; nays 4.

Mr. Chairman: Mr. Allen's paragraph 1361(20)2 starts: "Subject to subsection (1), and despite," etc.

The committee divided on Mr. Allen's motion, which was agreed to on the following vote:

Ayes

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Nays

Andrewes, Baetz, Davis, Jackson.

Ayes 6; nays 4.

5:30 p.m.

Mr. Chairman: At this stage we have passed four subsections. We will now move to Mr. Davis's motions. I will remind members what they are. They start with a new subsection which

would replace—that is why I say this particular one contradicts what we have passed, but it would be wise to take each of those individually simply for ease. There would be a new subsection which would read, "Section 4 of the Human Rights Code, 1981, applies to the hiring, employment, advancement, promotion and evaluation of all staff of any Roman Catholic school board electing to perform the duties of a secondary school board, notwithstanding section 23 of the said code."

We will next deal with another new subsection which reads: "The Roman Catholic school board shall not impose any expectations upon designated persons beyond the normal duties, in the case of teachers as set out in section 235 of the Education Act and section 21 of Regulation 262 and, in the case of supervisory officers staff and other staffs, a similar approach shall be taken."

We will take the first subsection first.

The one that reads "Section 4 of the Human Rights Code," etc.

The committee divided on Mr. Davis's motion, which was negative on the following vote:

Ayes

Andrewes, Baetz, Davis, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Ayes 4; nays 6.

Mr. Chairman: We now move to the next subsection, which starts, "The Roman Catholic school board shall not impose," etc.

Mr. Davis: As a quick clarification, this is in there to try to deal with the whole issue of lifestyle. It is also a direct quotation from the planning and implementation commission guidelines that is applicable. It was in the newest PIC guidelines, issued in September. We felt it would then alleviate the concerns being raised about lifestyle. That is why we want it incorporated in the legislation.

Mr. Chairman: If it is passed, of course, we will have to do a renumbering; if it is not passed, we will not have to worry about it. Maybe we should have some discussion on it, if there is interest in discussion, if people's positions are not absolutely clear, because the things we have been talking about of late have not really been focused at all.

Mr. Reycraft: I would like to understand better what Mr. Davis just said. Can he go over part of that again about the PIC guidelines?

Mr. Davis: This is a section out of the PIC guidelines.

Mr. Reycraft: With reference to?

Mr. Davis: It deals with how transferred teachers would be treated. These are the subsections of the Education Act that cover how they should be treated. In the discussions we had, we felt they should be incorporated to guarantee this protection, that the Roman Catholic school board shall not impose any expectations upon designated persons other than as listed in the Education Act.

Mr. Reycraft: What would that do to designated persons that our subsection would not do? It starts, "Section 4 of the Human Rights Code, 1981, applies to designated persons."

Mr. Davis: There is a lot more in those areas, teachers' duties and so on. I know they are applicable. All we want to do is to put them into the legislation and to say that you cannot ask for anything more than what is required. That deals with the lifestyle issues and with the concerns expressed.

I remember the debates, and so does Mr. Reycraft, about whether creed included lifestyle or not. To my knowledge, as I went through this whole issue, it was still not defined. I think that addresses it without any great consternation in trying to define what lifestyle is or is not.

Mr. Chairman: The motion we are voting on begins, "The Roman Catholic school board shall not impose any expectations upon designated persons," etc.

The committee divided on Mr. Davis's motion, which was negated on the following vote:

Ayes

Andrewes, Baetz, Davis, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Ayes 4; nays 6.

The committee divided on whether subsection 1361(20) of the act, as amended, should stand as part of the bill, which was agreed to on the following vote:

Ayes

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Nays

Andrewes, Baetz, Davis, Jackson.

Ayes 6; nays 4.

Mr. Chairman: Prior to this, as you may recall, we had just passed subsection 136m(1), as amended.

As I understand it, is there only one amendment to section 136m itself, Mr. Reycraft?

Mr. Davis: Have we passed any of this yet?

Mr. Chairman: No, that is subsection 136ma, so you are ahead of us.

Is there only one amendment to section 136m itself, Mr. Reycraft?

Mr. Reycraft: No, there is another one.

Mr. Chairman: You might notice that on page 15 we are still dealing with—

Mr. Reycraft: Before we get to this, did we pass section 1361 as a section?

Mr. Chairman: Yes, we just did that. Oh, no, we did not; very good point. Thank you. We are going to leave it because we are still checking on the slip year. We will go back to it.

Mr. Jackson: I will not take up time now, but when we get the detail I want to table it.

Mr. Reycraft: I remember the discussion about this. I remembered it this afternoon when the Leader of the Opposition (Mr. Grossman) was talking, too.

Mr. Chairman: You will notice that on your compilation sheet on page 15 there is another government amendment, but it does not come until we get to subsection 136m(9). Therefore, we revert to the act itself.

Open to page 9 of the act. In case you do not have it, the next subsection 136m(2) reads, "Either party to the dispute may notify the other party in writing of intention to submit the dispute to arbitration." There has been no amendment offered by any of the three parties.

Mr. Davis: Subsection 136m(1) is going to be struck out. It that correct.

Mr. Chairman: That is right. Let me be clear. Before we went back to section 1361, we passed subsection 136m(1), as amended. On the top of your page 15, we passed that. It is the first thing we did this afternoon.

No further amendments are proposed to the other subsections until we get down to the next amendment, which is the government amendment on subsection 136m(9). The new subsection 136m(1) would read as you have there now, with a subsection 136m(1a) in addition to the original subsection 136m(1).

We now move to subsection 136m(2), which reads, "Either party to the dispute may notify the

other party in writing of intention to submit the dispute to arbitration."

Mr. Davis: We are in the act now.

Mr. Chairman: We are on page 9 of the act. There are no amendments from the parties. This is just the notice.

All those in favour of subsection 136m(2), please indicate. Agreed.

Subsection 136m(3) says, "The notice shall contain the name of the first party's appointee to an arbitration board." No amendments? All those in favour please indicate. The motion carries.

Subsection 136m(4) says, "The second party shall, within five days after receiving the notice, notify the first party either that the second party accepts the appointee as a single arbitrator or notify the first party of the name of the second party's appointee to the arbitration board." I am presuming there are no amendments, but there may actually be some that are not on the compilation, so do catch me if that is the case. All those in favour please indicate. The motion carries.

Subsection 136m(5) says, "The two appointees shall, within five days after the appointment of the second of them, appoint a third person who shall be the chairman of the arbitration board." All those in favour please indicate. The motion carries.

Subsection 136m(6) says, "If the second party fails to give notice accepting a single arbitrator or appointing a second arbitrator, or if the two appointees fail to appoint a chairman, the appointment shall be made by the Education Relations Commission upon the request of either party to the dispute." All those in favour please indicate. Carried.

Subsection 136m(7) says, "The single arbitrator or the arbitration board, as the case may be, shall hear the parties and issue a decision." All those in favour please indicate. Carried.

Subsection 136m(8) says, "The decision of a majority is the decision of the arbitration board, but if there is no majority, the decision of the chairman is the decision of the arbitration board." All those in favour please indicate. Carried.

The original subsection 136m(9) reads, "The decision is final and binding upon the parties to the dispute," but there is an amendment.

Mr. Reyecraft moves that subsection 136m(9) of the act, asset out in section 2 of the bill, be amended by adding at the end thereof:

"and upon the person in respect of whom the dispute has been arbitrated and who is represented by the organization that is a party."

Mr. Chairman: That is in order. Would you like to explain the change.

5:40 p.m.

Mr. Reyecraft: It just provides that where a person is represented by an organization, as is previously provided for, the decision of the arbitrator is binding on the individual as well as on the organization.

Mr. Chairman: All those in favour of Mr. Reyecraft's amendment to subsection 136m(9) please indicate. Carried. All those in favour of subsection 136m(9), as amended, please indicate. Carried.

There are no further amendments proposed to section 136m, but there is a section 136ma to be added.

Subsection 136m(10) says, "A party to an arbitration proceeding shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing." All those in favour please indicate. The motion carries.

Subsection 136m(11) says, "A single arbitrator or a member of an arbitration board shall not have taken part before the hearing in an investigation or consideration of the subject matter of the hearing." It is the usual practice. All those in favour please indicate. Carried.

Subsection 136(12) says, "A single arbitrator or a member of an arbitration board shall not communicate directly or indirectly in relation to the subject matter of the hearing with any person or party or the representative of a party except upon notice to and opportunity for all parties to participate." All those in favour please indicate. Carried.

Subsection 136m(13) says, "No member of an arbitration board shall participate in a decision of the board unless the member was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, a decision of the board shall not be given unless all members so present participate in the decision." Standard practice. All those in favour please indicate. Carried.

Subsection 136m(14) says, "Documents and things put in evidence at an arbitration hearing shall, upon the request of the person who produced them, be released to the person by the board within a reasonable time after the matter in issue has been finally determined." All those in favour please indicate. Carried.

Subsection 136m(15) says, "If there is a collective agreement between the parties to the dispute and the collective agreement does not

provide for arbitration of such a dispute, the collective agreement shall be deemed to include subsections (1) to (14)." All those in favour please indicate. Carried.

Shall section 136m, as amended, carry? The motion carries.

On page 16 of the compilation we have an amendment, section 136ma, moved by the government. Mr. Reycraft, is it the same as we had written there?

Mr. Chairman: Yes, it does.

Mr. Reycraft moves that section 2 of the bill be amended by adding thereto the following sections:

"136ma(1) If a member of an arbitration board is unable to enter on or to carry on his or her duties so as to enable a decision to be made within 60 days after the date of appointment of the chairman, or within such longer period of time as may be fixed in writing by the arbitration board and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death before the arbitration board has completed its work, a replacement shall be appointed by the person or body that appointed the member, and the arbitration board shall continue to function as if such member were a member of the arbitration board from the beginning.

"(2) If the chairman of an arbitration board is unable to enter on or to carry on his or her duties so as to enable a decision to be rendered within 60 days after his or her appointment, or within such longer period of time as may be fixed in writing by the arbitration board and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death, the Education Relations Commission shall give notice thereof to the members of the arbitration board who shall within seven days of the giving of the notice appoint a person to be the chairman and if the appointment is not so made by the members, it shall be made by the Education Relations Commission, and after the chairman is appointed the arbitration shall begin anew.

"(3) If an arbitrator is unable to enter on or to carry on his or her duties so as to enable a decision to be rendered within 60 days after his or her appointment, or within such longer period of time as may be fixed in writing by the arbitrator and consented to by the Education Relations Commission, or ceases to act by reason of withdrawal or death, the Education Relations Commission shall give notice thereof to the parties who shall within seven days of the giving of the notice appoint a person to be the arbitrator

and if the appointment is not so made, it shall be made by the Education Relations Commission, and after the arbitrator is appointed the arbitration shall begin anew."

All those in favour of subsection 136ma(1)? Carried. All those in favour of subsection 136ma(2)? Carried. All those in favour of subsection 136ma(3)? Carried.

Motion agreed to.

The Vice-Chairman: Mr. Reycraft moves that section 2 of the bill be amended by adding thereto the following section:

"136mb. For the purpose of the arbitration and in order to reach a decision in respect of the dispute, the arbitrator or arbitration board,

"(a) may inquire into and consider any matter that the arbitrator or arbitration board considers relevant to the arbitration; and

"(b) subject to such conditions as the arbitrator or arbitration board may establish, may permit persons who are not parties to the arbitration to participate at the hearing of the matter."

This is your ball game, Mr. Reycraft.

Mr. Reycraft: The others are different sections.

Mr. Jackson: Will the parliamentary assistant please advise us whether he has examples of why this was necessary or whence cometh the request? I have gone through mediation and arbitration trying to figure out where this is placed with respect to a potential dispute about a transfer of a teacher. We are saying they can consider any matter and we are also talking about allowing other parties to participate in a hearing. Can you expand on it?

Mr. Reycraft: I understand it is quite standard practice under arbitration proceedings in other jurisdictions around the province. It was advice this committee received from Mr. Adams, to whom I have previously referred, who gave us advice as to how this section should be changed. It allows the arbitrator or an arbitration board to inquire into and consider matters that they consider relevant to the business before them.

Motion agreed to.

The Vice-Chairman: Mr. Reycraft moves that section 2 of the bill be amended by adding thereto the following section:

"136mc. The arbitrator or arbitration board shall complete the consideration of the dispute and shall report the decision to the parties, the Education Relations Commission and the planning and implementation commission in writing within 60 days after the giving of notice of the appointment of the arbitrator or within 60 days of

the appointment of the chairman of the arbitration board, as the case may be, or within such longer period of time as may be fixed in writing by the arbitrator or arbitration board and consented to by the Education Relations Commission."

Motion agreed to.

5:50 p.m.

The Vice-Chairman: Mr. Reycraft moves that section 2 of the bill be amended by adding thereto the following section:

"136md. Each of the parties to an arbitration shall pay one half of the fees and expenses of the arbitrator or, in the case of an arbitration board, of the members and chairman of the arbitration board, except that if one of the parties is a natural person and not an organization the public board or Roman Catholic school board that is the other party shall pay all of the fees and expenses of the arbitrator or of the members and chairman of the arbitration board."

Mr. Davis: Perhaps Mr. Reycraft will explain all that to me.

Mr. Reycraft: It provides that the expenses of the arbitration proceedings will be borne equally by the parties involved, except where one of the parties is an individual person. In that case, the school board involved in the arbitration will bear the entire cost of the proceedings.

Mr. Davis: Which school board?

Mr. Reycraft: The school board involved in the proceedings and the party to the arbitration.

Mr. Davis: Could not two school boards be involved?

Mr. Reycraft: The arbitration would be sought by the individual or by the organization on behalf of the individual against a school board. I do not believe it could involve two school boards.

Mr. Davis: You are saying that if an individual teacher believes he should not be designated—that is what this is about, correct?—or has been designated wrongly, in error, and he goes for a grievance process, he is not responsible for paying for any of it because he is an individual.

Mr. Reycraft: In the grievance procedure, and proceeding to arbitration, if the identified parties were, as in this case, the public board and the individual teacher, the public board would be responsible for the costs of the arbitrator and the arbitration.

Mr. Davis: What would happen if, in the dispute, the individual also had the federation working on his behalf?

Mr. Reycraft: In that case, the costs would be borne equally by the public board and the federation.

Mr. Jackson: If you are smart, then, you will file your arbitration as an individual, and then, as in the previous clause, bring in all your third parties for assistance. As long as you file in that way, that is one way to beat the system. I am not trying to trap you on it. I think it is necessary to put the clause, but I am trying to think through a situation where there could be abuse.

Mr. Reycraft: I do not think it would be possible to use the kind of loophole you are describing, but at some point in this process I am going to have to get some expert advice.

The Vice-Chairman: There will be a short delay while we exchange the chair, or do you already have your advice?

Mr. Reycraft: I am advised that it is not possible for a member of a union to be a natural person.

Mr. R. F. Johnston: I have always felt that.

Mr. Reycraft: I do not wish to expand on that statement.

The Vice-Chairman: The chairman will regret that statement, I suspect.

Mr. Jackson: They only perform unnatural acts. Is that what you are going to tell us?

The Vice-Chairman: You would have to be a member of my party to understand why that might be a problem.

Mr. Reycraft: I would like to refer your question to Mr. Kirkwood for a broader explanation.

Mr. Chairman: Are you ready, Mr. Kirkwood?

Mr. Kirkwood: I am struggling with paper, Mr. Chairman.

My recollection of the drafting of this was that, in section 136m, the provision was inserted that where a person was a member of a union or like organization, he or she would be represented by that organization. The only possibility for a person to be a natural person would be if there were no organization to represent that person.

Mr. Jackson: Where is that one?

Mr. Davis: On page 15.

Mr. Jackson: Is that an amendment?

Mr. Reycraft: It is subsection 136m(1a).

Mr. Davis: I take you back to subsection 136m(1a). For clarification it says that, "The parties to the arbitration are the public board or the Roman Catholic school board...." Perhaps

someone can clarify for me how the Roman Catholic school board could be a party to the arbitration. If I am correct in my thinking, how do you see them being part of the arbitration? Is that in the numbers that are designated?

Mr. Reycraft: The section is broader than just the designation of persons. If you will refer back to subsection 136m(1), as amended, it also says, "...or in respect of any matter arising under section 136l in the employment relationship between a designated person and a Roman Catholic school board...."

Mr. Davis: I would like to explore that section, as it is confusing. There is an individual who is a designated teacher and can go across to the panel. He or she believes that he or she should not be a designated teacher. At the same time as that teacher is a member of that designated list going across, there is a dispute with respect to the separate school which says that the numbers designated are more than they should be. In this process, are they arbitrated separately or are they done together? Can they have some kind of impact on each one and therefore the parties to that arbitration could be the Roman Catholic school board and the public school board and both affiliates?

Mr. Reycraft: My understanding is that the disagreement about the numbers of designations would be a disagreement between boards and is addressed in a different section of the bill, section 136l. The short answer to Mr. Davis's questions is yes, they would be dealt with separately, but they would not both be dealt with under section 136m.

Mr. Davis: Is there any other matter arising under section 136l?

Mr. Kirkwood: Section 136l provides for the designation and also provides that the boards either agree on the numbers that are to be designated or they follow the calculations of the regulation. Failing an agreement, they have to work through the numbers under the tutelage of the planning and implementation commission, and that is what the number is.

Mr. Davis: They cannot grieve it.

Mr. Kirkwood: No.

Mr. Davis: In this case, as I understand it, the teacher, or the member of the union who believes that he or she should not be designated, takes it to an arbitration hearing. He must be represented by his organization. The organization must pay one half and the school board pays one half.

Mr. Chairman: In arbitration it is usual that there is a split between the parties.

Mr. Reycraft: I point out to Mr. Davis that not all individuals who might need to initiate grievance action would necessarily be employees of a union or have an organization to represent them.

Mr. Davis: In that case it is their public board that pays.

Mr. Reycraft: That is right.

Mr. Davis: How does the Roman Catholic board get involved in that kind of dispute?

6 p.m.

Mr. Reycraft: Section 136l requires that designated persons be employed in a position that is substantially similar. They might feel that they had not been fairly dealt with and hence initiate grievance action which would lead to arbitration again. The grievance would be against the separate school board which would then be the employer.

Mr. Chairman: Legal counsel would like to make a comment.

Mr. Revell: I would add the same sort of qualifications. The arbitration right arises with respect to such matters as the entitlement to training assistance that we dealt with the other day in the new subsection 136l(5). These would be the types of matters where the public board would not be in the picture because it is an obligation that falls four-square on the Roman Catholic school board and, therefore, the arbitration proceeding would have to be between the individual and the RCSB.

Mr. Chairman: Does that cover all the concerns and points of clarification? This is the difficulty in having so many complicated sections. It does look like the concerns are covered. All those in favour of Mr. Reycraft's section 136md?

Motion agreed to.

Mr. Chairman: Mr. Reycraft moves section 2 of the bill be amended by adding thereto the following section:

"136m. The Arbitrations Act does not apply to an arbitration of a dispute mentioned in section 136m, except if there is no agreement with respect to the fees of the arbitrator or of the members and chairman of an arbitration board, the fees prescribed under that act shall be charged."

Mr. Davis: Could Mr. Reycraft or someone clarify for me why the Arbitrations Act does not apply? I do not understand why it does not apply.

Mr. Revell: The Arbitrations Act is designed primarily for commercial arbitrations. It has been

traditional in this province not to use the Arbitrations Act and to specifically exclude it. I cannot remember the exact provision, but for all intents and purposes it says that wherever arbitration is provided for in any act, then the arbitration shall be held in accordance with this act. You end up with a problem that you have an act that is designed for commercial arbitration being brought into labour relations when this is essentially a labour relations issue. Basically, the provisions that we have just been dealing with contain the types of provisions that you would normally deal with in terms of appointment of an arbitrator. The powers of the arbitrator are contained in the very provisions we have gone through in the past few minutes.

Mr. Davis: Are those parts in the Arbitrations Act as well?

Mr. Revell: There are different provisions that deal with the same issues, the appointment of the arbitrator and what happens in the event that you cannot appoint an arbitrator. Unfortunately, I do not have a copy of the act here. The Labour Relations Act, for example, contains exactly the same provisions.

Mr. Davis: There are other arbitration acts that are similar.

Mr. Revell: Exactly the same.

Mr. Davis: They would have that clause that the Arbitrations Act does not apply.

Mr. Revell: Yes.

Mr. Davis: It is nothing new.

Mr. Chairman: No.

Mr. Davis: I believe you, Mr. Chairman. I am sure you know what the Arbitrations Act says.

Mr. Chairman: Actually, I have been through it. All those in favour of Mr. Reycraft's section 136me?

Motion agreed to.

Mr. Chairman: We move on to section 136n. I will not read what is in it at present, but on page 18 there is an amendment that replaces it.

I note that you have an amendment on the second subsection, but the government has an amendment on the first subsection. Mr. Reycraft, would you like to read your amendment?

Mr. Davis: I need clarification for a second. The government's amendment is subsection 136n(1). Am I correct in that there are a total of seven amendments to 136n?

Mr. Chairman: Yes. As well as your own.

Mr. Davis: Thank you. I appreciate that.

Mr. Chairman: How would you like to do this, Mr. Reycraft? Do you want yours read in entirety?

Mr. Reycraft: Not particularly.

Mr. Chairman: It has to be read in at some point. Do you want subsections 1 through 7 read in, or just subsection 1? Then we can move on to subsection 2, which will give you a chance to move your amendment, Mr. Davis.

Mr. Davis: We are faced with seven amendments. I have read them, but I cannot recall them all. I am not sure that 136n(1) does not impact upon any one of those others again.

Mr. Chairman: If that is the case, why do we not read all the government amendments in?

Mr. Davis: I would prefer it that way.

Mr. Chairman: Then we will go back and debate them one at a time. If you feel there is an appropriate moment to move your amendment, you can do it at that point. How about that?

Mr. Davis: Yes.

Mr. Chairman: Mr. Reycraft, if you would loosen your vocal chords—

Mr. Davis: I am sorry to do that, but when you have that many amendments, the implications are too dramatic—or they could be; I mean, there may be nothing in it.

Mr. Chairman: We will proceed that way.

Mr. Davis: I also sat on Bills 54 and 55. It shows.

Mr. Reycraft: There are no sections of this bill that have nothing in them.

Mr. Davis: I know that.

Mr. Chairman: Mr. Reycraft moves that section 136n of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"136n(1) A pupil in a public secondary school that is operated by,

"(a) the public board of which the pupil is a resident pupil; or

"(b) a public board to which the public board of which the pupil was qualified to be a resident pupil pays fees in respect of the pupil,

"is entitled to continue to be a pupil in the public secondary school notwithstanding that the pupil or the parent or other person who has lawful custody of the pupil becomes exempt from payment of rates imposed for public secondary school purposes by reason of an election made under section 136a or 136f by the Roman Catholic school board that has jurisdiction in whole or in part in the same area of jurisdiction as that of the public board that,

“(c) operates the secondary school of which the pupil was a resident pupil at the time of the election by the Roman Catholic school board under section 136a or 136f; or

“(d) pays fees to the public board that operates the secondary school attended by the pupil.

“(2) A Roman Catholic school board shall make payments to a public board that has substantially the same or part of the same area of jurisdiction as the Roman Catholic school board of amounts of money in respect of the secondary school pupils who are qualified to be resident pupils of the Roman Catholic school board for secondary school purposes who exercise their right under subsection 1.

“(3) The time or times at which and manner in which the payments required by subsection 1 shall be made, the method of calculation of the amounts of the payments, and the basis for determination of the numbers of pupils in respect of whom the payments are required shall be that prescribed by the regulations.

“(4) A public board shall not charge a fee to a Roman Catholic school board in respect of a pupil who exercises the right set out in subsection 1.

“(5) Payments required to be made by the Metropolitan Separate School Board under subsection 2 to a board of education for an area municipality in the municipality of Metropolitan Toronto School Board shall take the payments into account in approving the estimates of the boards of education and in making its estimates under the Municipality of Metropolitan Toronto Act.

“(6) For the purposes of section 209, a payment under subsection 2 shall be deemed to be an estimated expenditure of the Roman Catholic school board for secondary school purposes and an estimated revenue for secondary school purposes of the public board that receives the payment.

“(7) A regulation made for the purposes of this section,

“(a) may be of general application or may apply only to such board or boards as are set out in the regulation; and

“(b) may set out for different boards different times and manners in which payments shall be made, different methods of calculating the amounts of the payments and different bases for determining the number of pupils in respect of whom payments are required.”

That is in order. Looking at the old act, it basically does not change but adds and clarifies,

as I understand it, the provisions in the original sections. Is that true?

6:10 p.m.

Mr. Revell: I have one comment to make. There is a typographical error in subsection 3. The internal reference in the second line to subsection 1 should read as a reference to subsection 2.

Mr. Reycraft: I am sorry. I worked from two copies of this with notes on each. I had the correction made in one and not in the other.

Mr. Chairman: Okay. The easiest way to proceed, given the nature of your amendment, Mr. Davis—the same issue will come up at another time—would be to move that after subsection 2.

Why do we not proceed step by step again?

Mr. Davis: Can Mr. Reycraft explain subsection 136n(1)? I understand you are saying in this section, Mr. Reycraft, the secondary Catholic separate school student currently in a secondary public high school will have the right to remain there once this bill is passed.

Mr. Reycraft: And after the Roman Catholic school board makes an election to extend under—

Mr. Davis: What impact does the separate school board making the election have on the student? Why is it in there?

Mr. Reycraft: It clarifies or reinforces the student's right to continue and complete his secondary school education with the board of education he started with, or the system he started with.

Mr. Davis: You go on to say “entitled to continue to be a pupil in the public secondary school”—I understand that—“notwithstanding that the pupil or the parent or other person who has lawful custody of the pupil becomes exempt from payment of rates imposed for public secondary school purposes by reason...” Tell me what you mean by that, for example.

Mr. Reycraft: It is a section perhaps less necessary now than when we were considering other sections of the original bill, particularly those that dealt with the access provision. As it was originally drafted, the access provision, the “where space is available” restriction, was for students resident in a Roman Catholic school board area who wished to attend a school operated by a public board. This would have removed any possibility of such a student being denied the opportunity to continue in that school with that board.

Mr. Davis: If I am correct, and I do not necessarily like to be corrected, I understand a separate school student in a public high school is there because his parents have determined it and have changed their tax base. Am I correct?

Mr. Chairman: Yes.

Mr. Reycraft: In a secondary school?

Mr. Davis: Yes, unless they are paying fees.

Mr. Reycraft: Where the election has been made?

Mr. Davis: Yes.

Mr. Reycraft: This is post-January 1, 1987.

Mr. Chairman: Sorry, you are talking about what happens today—

Mr. Davis: I am talking of a separate school student in a public high school now. He is there on two mechanisms. One is parents paying fees.

Mr. Reycraft: No.

Mr. Davis: Or they have paid taxes.

Mr. Reycraft: They are paying their property taxes to the public board. They have no choice.

Mr. Davis: Once the separate school board makes its determination.

Mr. Reycraft: Then on January 1 of the year following the election, the property taxes—

Mr. Davis: Automatically change?

Mr. Chairman: In that specific board.

Mr. Davis : No? That is not what I understand.

Interjection.

Mr. Davis: That is correct. Let me clarify what I understood. The Roman Catholic parent has the right to determine where his or her tax base goes. I am having problems understanding why this section is in. As I understand it at present, that parent has made a determination to send his or her child there.

Even if the separate school in that area determines to go ahead, the parents have made a determination of where their tax base is and it is going to the public system. At that point, if the parent makes the determination that the money is not going to the public school board but to the separate school board, it still has no bearing because a parent can simply say, "I want my child to go there" and the separate school board then has to pay the fees, as you go through this process. Am I right or wrong?

Mr. Chairman: You are correct. All this seems to do is to state it again. I do not know whether it muddies it at all. It says that a child has a right to stay in the public system even if the

taxes are shifted, and he or she does not have to worry about payment of that.

Mr. Reycraft: That is correct. Mr. Davis is correct, though, that the Roman Catholic has the opportunity of having his or her property taxes directed to either the Roman Catholic school board or the public board.

Mr. Davis: Could I pursue that just for clarification? I want to look at that Catholic parent who has already determined his or her child is in the public secondary panel. Is a letter going to go out to that parent asking, "Do you want to continue that or do you want to reverse your taxes?"

As I understand that now, that parent has made a determination. I heard Mr. Reycraft say—and I do not think he meant to say it—that following the determination of the Roman Catholic school board in that area, that tax base automatically transfers.

Mr. Reycraft: No. Those property taxes of those people who are identified on the assessment rolls as supporters of the Roman Catholic board will be transferred.

Mr. Davis: But do they get an indication that they have a right to determine to send that tax base through a public school system?

Mr. Reycraft: I am not aware of any mechanism now that provides them with that option at any time.

Mr. Chairman: I am trying to figure out why it is necessary because it does not seem to change anything, as far as I can see.

Mr. Kirkwood: This tries to cover the example where, for instance, there is a student in grade 10 or 11 of a public high school whose parents are separate school supporters. The student wants to finish his or her education in the public system but there are two or three younger brothers and sisters who are in the separate school system at the elementary level.

The objective is to permit those children to continue in the separate school system. The person is a separate school ratepayer, but as the decision was made for the family that they were going to have publicly funded education at the secondary level using the board of education, you do not want to deprive that particular pupil of that right to be there. We are just allowing the pupil to finish his education in the school he started with, without interference with the other rights that are provided.

Mr. Davis: I know I am jumping ahead and I apologize. As I understand the access—which the government amendment has, as does ours where

there are no restrictions—and the transfer of payment which automatically flows once a youngster has made the determination, that youngster can stay anyhow.

Mr. Kirkwood: True enough, but it was the feeling when this was being drafted that we had to look after that particular group of students. The model I refer you to is in boards of education where you change school boundaries, for instance. It is frequently the practice to allow students who are already in the school to finish off.

Mr. Davis : I understand that. However, as I understand what happens with this bill now, when you take the next couple of steps, the student who is now in high school or ready to go to high school, whose parents are separate school supporters, decides he is going to go to a public high school, and when he indicates this to his parents, they indicate to the public secondary school board that he is going and he is then allowed to go. There are no restrictions. Because he goes, the public board then charges back the fee to the separate board. Is that correct?

6:20 p.m.

Mr. Chairman: Which is what was said.

Mr. Davis: Which is not what was said.

Mr. Chairman: No. Which is what was said.

Mr. Davis: Which is what was said. I do not have any problem supporting it; I am saying you do not need it. The way the bill is written that student is protected, providing those other sections pass.

Mr. Chairman: Our difficulty at the moment, where we are at in the deliberation of the bill, is that we are in advance of the access question. At this point in the bill there is no provision at all for the protection.

I agree with you, if what seems to be a consensus in access by the three parties were to hold when we get to that section, my reading of this would be that this would be unnecessary.

Mr. Davis: That is right.

Mr. Chairman: But it is not contradictory. Am I correct in that, Mr. Kirkwood, or is that an incorrect interpretation?

Mr. Kirkwood: I am not exactly sure. In my mind, these classes of pupils are entirely different given the fact there is not any choice being exercised in one sense. They have already made their choice to proceed through. We do not want anything to stand in the way of it. That is all. They do not have to be the sort of persons

who are starting all over again even though they are already there. That is as clearly as I can put the concept.

Mr. Allen: If it is entirely parallel with the later provisions, and if it is not contradictory, we can safely support it if we agree with it. If it does cover some other circumstances, then we can support it safely as well. The sensible thing is to take a vote on and pass the access provisions, then come back to it and perhaps get a further judgement from the ministries whether it does cover anything that is different. Then we can dispose of it in terms of this place in the bill and whether it needs to be there.

Mr. Chairman: It would be my suggestion, because we have not dealt with something further on—and I cannot predict from the chair what we are going to do on that—it would wise, since it is here before us, to make a decision on whether you want this in on its own merit, perhaps presuming what you think will come later but that is up to you.

Later, if you feel we have created a redundancy, one section or the other—presumably this one, because it deals with a subclass of students rather than students as a whole in terms of access—could be reopened and we could delete it if we chose to. Since we do not know what the final resolution of the committee is going to be, it would be wise to deal with this and its potential effect on a subclass now.

Mr. Reycraft: I would also point out that it serves as a reference point for two later sections which refer to it. It does not preclude the decision on those sections. You will note subsection 2 refers to students who exercise their right under subsection 1. Subsection 4 also talks about pupils who exercise the right as set out in subsection 1. It helps to make later subsections understandable.

Mr. Davis: I concur with your understanding that it is a redundant clause. The other two clauses stand quite clearly on their own. The problem we are having is the fact that Mr. Allen, for some reason, is in a hurry to get votes done. I do not want to have pieces in the legislation that you do not have to have if the student is already protected.

Mr. Chairman: The only way we can organize that, in ordering our business, would be to agree to come back to section 136n later. It strikes me that the easiest way at this stage, because we have more matters to deal with on section 136n, would be to pass this because it is not in opposition to anything that people are

suggesting. If you wish, when we get to section 136o, we could come back and decide to change the wording of subsection 136n(1) because the other subsections we want to carry or amend are not covered under the access sections.

Mr. Davis: For clarification, is there not another option at this point to simply stand down that section and not vote on it? I have difficulty voting on something that is supportive and then coming back to say, "It is redundant; let us take it out." Then you get into the argument of whether or not you are going to take it out.

Mr. Chairman: You could do that.

Mr. Davis: We could stand it down and we could ask the ministry officials, when they come tomorrow, to tell us whether that subsection has implications that we did not see today.

Mr. Reycraft: I can assure you and Mr. Davis that it does not have any implications or meaning other than what has already been expressed. I disagree with his statement a few minutes ago that subsections 2 and 4 can stand on their won without it. Subsections 2 and 4 refer to a specific class of student. That class of student is defined in subsection 1.

Mr. Chairman: Mr. Davis, for the sake of expediency, would it not be easier just to proceed along and then back up?

Mr. Davis: No.

Mr. Jackson: I have a question. If I understand all this correctly, we have in front of us the designation, primarily, of the right of the student to stay in the public system, and where those taxes are going to go. That is essentially all this achieves.

Mr. Chairman: It ensures the full payment of fees to the appropriate board when the taxes are still being directed to the separate board.

Mr. Jackson: I have a question for legal counsel. Are we conveying this to the student as an individual, not as an organized entity or whatever?

Mr. Chairman: A natural person.

Mr. Jackson: Are we conveying to the pupils their right to freely choose to stay in the public system, even though their parents have suggested that they attend the separate school and that their taxes go there?

Mr. Chairman: Do you want to try, Mr. Reville?

Mr. Reville: I think I will wait until Monday.

Mr. Jackson: As I read it, the pupils have the right to override a parental decision to send them to the separate school system.

Mr. Reville: No, that is not the point of this section.

Mr. Jackson: I know it is not the point of this section. That is not what I asked.

Mr. Chairman: Mr. Reycraft would like to try to respond.

Mr. Reycraft: If, at the time the separate board makes an election, a pupil is in a secondary school—

Mr. Jackson: He comes home and tells his parents he wants to stay.

Mr. Reycraft: —and he has a younger sibling in the separate elementary school, he is given a guarantee under this act that he can continue to complete his education in that public secondary school without having to take on nonresident status. I am forgetting Dr. Stephenson's lesson in pronunciation.

If a pupil in a public secondary school had been educated in a separate elementary school, and his parents' elementary taxes were still going to the Roman Catholic board, their tax designation would automatically be changed to that of the Roman Catholic separate system. I am convoluting this even more than Mr. Jackson did.

Mr. Reville: You are.

Mr. Jackson: It is as clear as mud.

Mr. Chairman: Since I have a speakers' list, and since it is 6:30 p.m., we will adjourn.

Mr. Jackson: Before you call for adjournment, may I make a request? I am now talking about Monday's and Tuesday's agenda.

We understand from our House leaders that we are probably going to be debating Bill 94. There is a significant dilemma for our party because all our speakers are members of this committee. I refrained from raising the point until I saw how much progress we would make today. I thought it was very good.

Mr. Chairman: Yes, it all went very well, I thought.

Mr. Jackson: I am trying to make a very serious request, because I did raise this. It was the only question I raised when the issue came up of this committee lifting out and returning the matter of Bill 94 to the House.

I am asking if we can find an alternative date for the committee to meet, or if there is any way in which we can make up the same amount of total time by freeing up Monday, or possibly Monday and Tuesday, so that we can participate. The Liberal Party and the New Democratic Party feel they have sufficient speakers but also

sufficient people to understand the bill. We find ourselves in a very awkward situation here because the people who participate in the public hearings are also members of this committee and cannot be in two places at once.

Mr. Chairman: I remember the point you made at the time. It is always left up to the House leaders to express those problems to each other and to try to work them out.

The one option we have that has not been an option in the past is the decision by your members at this point to sit on Monday night to make up the time. That is one option. Otherwise, we are already scheduled to meet on Monday. That is all the information I have. It is up to the committee on how it would like to deal with this matter.

Mr. Allen: I am afraid my time is rather tied up. I would not find that at all convenient.

Mr. Chairman: To sit on Monday night? I am sorry. We need unanimous consent and that is not possible. As you recall, that was our predicament earlier when we did not have unanimous consent.

Mr. Reycraft: Might there be an option that would accommodate the members of the official opposition? Would it be possible to delay votes or to stack votes?

Mr. Jackson: We would not even be here to participate in the discussion.

Mr. Reycraft: We cannot all speak at the same time, although we have tried. We tried this afternoon.

Mr. Chairman: It is usually ruled out of order when that is attempted.

Mr. Jackson: It is a serious situation. We do not wish to do an injustice. We do not wish to have a bunch of speakers on Bill 94 who have not participated in the public hearings. That is the only responsible thing that should be done. As this is probably the most significant bill this government will deal with in the next 10 years, we do not feel it is responsible to have a bunch of official opposition members here who do not understand it. That is why I am appealing to this committee to help us resolve it. We did not create this situation, but we beg your appreciation of the circumstances you are putting us all in.

Mr. Chairman: If only four of you are going to speak on Bill 94, we will all be delighted. I presume that may not be the case in the ordering of who speaks for the Conservatives. If this is an indication that there will be only four, everyone will be pleased with the celerity with which it will be handled.

Because we are over our time at this point, I suggest we leave this to the steering committee to discuss. I do not know when we are going to do that. It would have to be on Monday. At the moment, I advise you to tell your House leader of your problem and get the House leaders to come up with a recommendation for us.

Mr. Davis: I understand what you are trying to do. Would they like to look at a phrase which said, "Students now in a system have the right to remain"?

Mr. Chairman: We can debate that next time we meet.

The committee adjourned at 6:33 p.m.

CONTENTS

Thursday, May 29, 1986

Education Amendment Act , Bill 30, Mr. Conway, adjourned	S-195
Adjournment	S-219

SPEAKERS IN THIS ISSUE

- Allen, R. (Hamilton Wet NDP)
- Andrewes, P. W. (Lincoln PC)
- Baetz, R. C. (Ottawa West PC)
- Davis, W. C. (Scarborough Centre PC)
- Jackson, C. (Burlington South PC)
- Johnston, R. F., Chairman (Scarborough West NDP)
- Offer, S. (Mississauga North L)
- Reville, D., Vice-Chairman (Riverdale NDP)
- Reycraft, D. R. (Middlesex L)

Witnesses:

From the Ministry of Education:

- Conway, Hon. S. G., Minister of Education (Renfrew North L)
- Kirkwood, W. T., Education Officer, Legislation Branch



No. S-9

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Monday, June 2, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday, June 2, 1986

The committee met at 4:06 p.m. in room 151.

EDUCATION AMENDMENT ACT

(continued)

Consideration of Bill 30, An Act to amend the Education Act

On section 2:

Mr. Chairman: I call the meeting to order. We are dealing with Bill 30. Mr. Reycraft had moved a motion on subsection 136n(1). It was entirely read into the record, but we had not proceeded to debate or votes. Mr. Reycraft, did you speak to it? I cannot remember. I think you did.

Mr. Reycraft: As I recall, there was some debate on subsection 136n(1).

Mr. Chairman: A desire was expressed for more; that was it. Mr. Davis wished to discuss it.

Mr. Reycraft: As would I.

Mr. Chairman: We will start with Mr. Davis and then move back to Mr. Reycraft.

Mr. Davis: When we stopped the debate last Thursday, I was under the impression that in subsection 136n(1) we were talking about individual separate school students who now were taking their education at a public school. This section was being introduced by the government to allow those students to stay there. The debate continued. One of the concerns we had was that if there is open access, which is yet to come, then those students have the right to be there and to have their fees paid. One finds that this section is not required—clauses 136n(1)(a), (b), (c) and (d). I am not sure about the rest.

As I recall the end of the debate, I had requested through the chair that ministry officials comment whether there was some area where this would specifically apply, understanding that with open access it did not have to be incorporated. I believe the officials stated that they concurred, but wanted to protect them. We asked them to see whether there was an individual case where it would apply and therefore would have to be required.

Mr. Chairman: I think that is what Mr. Reycraft wishes to report on.

Mr. Reycraft: As a result of the concern expressed last Thursday by Mr. Davis, and I

think by Mr. Jackson as well, we have gone back over section 136n and reviewed all the subsections of that section. It is our opinion that subsection 136n(1) does need to be in the bill for a couple of reasons.

As Mr. Davis alluded, it needs to be there to clarify the right of a youngster who is the child of a separate school supporter who has started his or her secondary education in a public school to continue and complete that secondary school education in the public system without any pressures from any directions and without any unnecessary administrative requirements. In our opinion, the initiative that is represented by Bill 30 should not affect the right of that student to continue his or her education in that public secondary school.

There is another reason why we think it needs to be there. It provides a definition of this special class of student who, for want of a better term, we have referred to as "grandfathered students." That definition is needed to serve as a point of reference in the subsequent subsections that follow in section 136n. Those subsections are important because they provide the equitable base that will allow the public board that is going to be providing the education for those grandfathered pupils to obtain a fair and equitable level of funding to allow them to do so.

I would like to speak to subsections 136n(2) and (7). It is relevant that I do so at this time to support the need for subsection 136n(1) by providing for the regulations to deal with the details of the calculations that will provide equity to both boards within the transitional period until the grandfathered pupils have left the public system. The regulations will have the effect of putting the assessment that is associated with those grandfathered pupils back with the public board until those students leave the system. When I refer to putting it back with the public system, I am talking about post-January 1, 1987, when the assessment will have transferred to the Roman Catholic school board.

The parents of those youngsters could have their assessment designated to the public board without this section if they wanted to in any case, but if they chose to do that they would then have to include the assessment of the elementary panel as well. That might not be a problem, but it could

be a problem if there were a younger sibling who was still in the elementary system.

We do not think it is appropriate to have pressure from any direction on the students who are in the public secondary system, either to remain in that system until they complete their high school education or to transfer to the separate system. It is our feeling that without something such as this, that could be the case. It is not appropriate to create any unnecessary disruptions in either system.

With section 136n, we want to maintain the status quo in relation to the enrolment of those students and in relation to the assessment and taxation to meet the costs of their education. It will maintain the situation as it exists now. For a large number of students who would become residents of a Roman Catholic school board with the passage of Bill 30, the intent is to sustain their enrolment in the public secondary school in which they started their high school education, without their being subjected to any pressure to transfer to another school, without their having to go through any unnecessary administrative procedures to apply for a request to have fees paid, or in the case of their parents to have assessment transferred to another board.

That is the intent of section 136n. Because of the importance of that section, subsection 136n(1) is needed to provide the definition on which the subsequent subsections are based.

Mr. Davis: Perhaps Mr. Reycraft can explain something I have not heard in any of the hearings. I go around to my constituents. I have talked to members of the public and separate boards. I have talked to parents. I would like Mr. Reycraft to explain the pressure that would be on these students that he keeps alluding to.

Mr. Reycraft: With the passage of Bill 30, it is our opinion that there will be some who will desire to have students who become resident at a Roman Catholic school board transfer to the separate board rather than remain in the public secondary school in which they started their education. This could be for any number of reasons, but certainly one would be to have the assessment transferred to the separate board, even though the parents might wish to have the student remain in the public secondary school and therefore want to have the assessment designated to that board.

Mr. Davis: It seems that my colleagues in the government are imputing motives. There is no justification for any suggestion that at a public board, a principal, director, trustee or teacher will, after the passage of this bill and the transfer

of assessment, place pressure on a Catholic student in the public system to move out, just as conversely there will not be any pressure from the Catholic board of education when students or teachers move in.

What I hear you saying is that it is covered with total open access, unless you have changed your position on total open access and you are going to move or support an amendment that places a restriction. If that is true, this then becomes an important piece of legislation you need. I do not think you are going to do that. I hope you are not going to do that. If you did do it, that would be another turn in the chain of events and proclamations you have made with Bill 30.

Will Mr. Reycraft clarify for me why the section is not appropriate that was in the original Bill 30 and is the original position of the government. I would like to read it into the record.

"136n(1) A pupil in a public secondary school is entitled to continue to be a pupil in the public secondary school despite the fact that the pupil or the parent or other person who has lawful custody of the pupil becomes exempt from payments of rates imposed for public secondary school purposes by reason of an election made under section 136a by a Roman Catholic school board."

Then we go down to the subsection that talks about the fees.

"(2) The Roman Catholic school board shall pay to the board that operates the public secondary school the fees calculated in accordance with regulations to which the board is entitled for providing secondary school education to the pupil."

Perhaps he can explain why all the changes have to be made. As I read that section, it effects what he is trying to do now in six or seven various amendments.

Mr. Reycraft: With respect to the old subsection 136n(1), it has been a while since I have read it through completely and carefully. I do not think we have an argument with what it says. Regarding subsection 2, which establishes fees, it is our opinion that this system will not provide for an equitable payment of the costs of education and that it will result in a competition for students that will affect those grandfathered students we have been talking about.

In his preamble, Mr. Davis indicated he did not think there was going to be any of that kind of competition. He may be right. Time will tell. I remind him of the evidence that was presented to this committee almost a year ago in August by the superintendent of education for Edmonton. Mr.

Strembitsky indicated that this kind of competition does take place in Alberta. It is my opinion that it will occur and that the end result of it will probably be a healthy one for education in this province.

Mr. Davis: I do not live in Alberta. I do not expect to see the competition the government proposes may be there.

Perhaps Mr. Reycraft will explain this a little further. Because subsection 136n(1) is dependent upon the rest, he now talks about "equitable payment." Will he expand on what he means by "equitable payment"?

Mr. Reycraft: The intent of section 136n is to have the assessment associated with those grandfathered pupils transferred back to the public board so that the public board will then receive the property taxation that it was receiving to support the cost of the education of those students before Bill 30.

4:20 p.m.

Mr. Davis: Can he explain the difference between that statement and this statement in the original subsection 136n(2), "The Roman Catholic school board shall pay to the board that operates the public secondary school the fees calculated in accordance with the regulations to which the board is entitled for providing secondary school education to the pupil"? Is there a difference between the fees that subsection 136n(2) in the original bill suggested should be paid and the fees that your new section suggests should be paid?

Mr. Reycraft: There very definitely is a difference in what the two sections say. The old bill talks specifically about fees. The amendment to section 136n that we have put before the committee, and which I moved on Thursday, provides that there will be an assessment transfer and that the public board, in lieu of receiving fees for those students, will receive the property taxation for those students that it was receiving before Bill 30. It simply delays the transfer of assessment from the public board to the separate board in relation to students who remain in the public secondary school.

Mr. Chairman: I hear you, Mr. Reycraft.

Mr. Davis: We will play ping-pong.

Mr. Chairman: With one bat, by the feel of it.

Mr. Davis: It will be one bat.

If the assessment is transferring across, then if that child's parents have children in the elementary panel only the secondary assessment will move across. What is the difference in dollars

between the assessment that will move across and the fees calculated in accordance with the regulations?

Mr. Reycraft: It is difficult to answer that question with a high degree of precision. The ministry has done some calculations based on estimates and preliminary figures, and I can tell Mr. Davis and the members of the committee that it is our firm conviction the net effect on a public board of section 136n, as we have placed it before the committee, is nil.

Mr. Davis: Say that again, Mr. Reycraft.

Mr. Reycraft: The net effect of section 136n compared to the payment of fees provision is nil. No adverse financial effect on the public boards across the province results from section 136n as we have proposed it.

Mr. Davis: That is not the question I asked.

Mr. Reycraft: You asked what the difference was.

Mr. Davis: There is an indication in Mr. Reycraft's remarks that the assessment that would transfer to the public board somehow is different than what is suggested would be the fees calculated in accordance with the regulations.

I asked whether there was a difference. Is there a dollar difference in those two monetary figures?

Mr. Reycraft: The difference is that those students are going to be treated as though they were resident students of the public board and the assessment will then go to the public board.

Mr. Davis: That was not my question.

Mr. Chairman: Perhaps I can help, if you really want the answer. Tell me if I am wrong, but it seems to me that the difference is that one is assessment and one is fees, but there will be no economic impact that will be different.

Mr. Reycraft: That is correct.

Mr. Chairman: Does that help?

Mr. Reycraft: I thought I made that clear.

Mr. Chairman: I thought you did, but there you go.

Mr. Davis: What I hear Mr. Reycraft saying is that the assessment dollars that will transfer back to the public school system will be exactly the same as the fees calculated in accordance with regulation dollars that would go if you were to use this subsection.

Mr. Reycraft: That is not exactly what I said.

Mr. Davis: I did not think that was exactly what you said.

Mr. Reycraft: I indicated that the net effect, considering all grant calculations, would be that there would be no difference to the two boards. There are other factors that come into play, for example, declining enrolment grants that would be paid to the public board for loss of students to the separate board. We have tried to determine how section 136n would affect school boards across this province and it is our clear opinion that there is no negative effect.

Mr. Davis: That student remains within; he cannot be classified as a person who has gone back, so that the proposition of the decline-in-enrolment factor has no effect for that student, because he stays within the system.

Mr. Reycraft: That is correct, but it applies to those students who do.

Mr. Davis: Are you saying, then, that because of the declining enrolment factor that comes across, and coupled with the assessment factor, the dollar value comes close to what would be the transfer of payments just for fees?

Mr. Reycraft: I am not sure. I am not sure whether I even understand the question and I am reluctant to give an answer until I do.

Mr. Davis: Perhaps we can ask an official of the ministry whether he could give us dollar values. It seems to me that Mr. Reycraft has said—and I am not going to dispute that there is no total effect—the assessment dollars that transfer across—and I am talking about actual dollars—in comparison to those fees calculated by regulations going across, are not necessarily the same dollars. I would like to know what the difference is between the two dollar values.

I will give an example. The assessment base going across for a separate school into the public system is \$1,800, but the fees calculated on the basis of that per pupil grant is \$3,500. I think that is what it is now. There is a substantial difference. It is \$1,700. That is the question I am asking.

Mr. Chairman: You could answer, though.

Mr. Davis: I do not know whether it is right.

Mr. Chairman: It is \$1,700.

Mr. Clifford: If you want to get into figures, we will get the person who can give them to you. I am not sure he can give you exactly the figures you want there, but if you want information about this situation, we can bring in our colleague who deals with it.

Mr. Chairman: Who is that?

Mr. Clifford: It is Mr. Burtnyk.

Mr. Chairman: Yes, I thought this had a familiar sound to it. Mr. Burtnyk was here before, was he not?

Mr. Clifford: That is right.

Mr. Davis: I appreciate that.

Mr. Chairman: Is there anything further on this matter?

Mr. Davis: I have some other questions. Do you want to go on with those while we wait?

Mr. Chairman: I think that would be wise, do you not?

Mr. Davis: One of the questions I have is that section 136n is now set up in such a way that it applies to the separate school student who remains within the public education system. I do not understand that.

Mr. Chairman: Secondary student.

Mr. Davis: Secondary student. What about adult education?

Mr. Chairman: It does not apply to that.

Mr. Davis: I want to ask Mr. Reycraft the question. Currently enrolled in public schools are Catholic adults taking adult courses during the day programs. Can Mr. Reycraft clarify for me how the public board will deal with that situation? Will it now have to go to all the adults enrolled in the day course and ask them whether they are public or separate school taxpayers? And if they are separate school taxpayers, which applies: the transfer of assessment, or the fees as set out by the ministry in regulations?

Mr. Reycraft: My understanding is that the definition of resident students as it now applies would continue to apply. If those adult students are now resident students with the public board, they would have to satisfy the same requirements that nonadult resident students have to satisfy.

4:30 p.m.

Mr. Davis: Assuming they do, is it the separate school board's responsibility to pay for that separate school adult who is enrolled in a day program?

Mr. Reycraft: A separate school adult whose property taxes were directed to the separate school board and an adult education program offered by a public board—

Mr. Davis: During the day. A regular day school student.

Mr. Reycraft: —under section 136n would be counted with the other grandfathered students and would therefore affect the assessment transfer in the same way a student in grade 12 would affect it.

Mr. Davis: That means the public boards will now have to inquire about the tax base of the adult who enrolls in a day program.

Mr. Reycraft: They will have to identify resident and nonresident students in the same way as boards of education now have to identify elementary students as resident or nonresident students.

Mr. Davis: They have never had to do that.

Mr. Reycraft: That is correct.

Mr. Davis: But now they will.

Mr. Reycraft: That is correct, I think. If I am in error, perhaps I should invite ministry officials to—

Mr. Kirkwood: At the elementary level you have to identify pupils in terms of whether they are resident or nonresident, and this is exactly the same at the secondary level.

Mr. Davis: That means that starting whenever the bill has royal assent and assessment is passed, the public boards will have to ask those adults who come to register in the day programs, such as typing or upgrading skills, "What is your tax base?"

Mr. Reycraft: I would point out that boards of education have to do that now.

Mr. Davis: Not in the separate boards.

Mr. Reycraft: They do. In my home area in London, the London Board of Education has to determine whether the adults applying for adult education courses are resident students or nonresident students, because a lot of people who are not resident students of the London public board of education go to it trying to take those courses.

Mr. Davis: What do you mean by "resident students"? Perhaps Mr. Reycraft would like to define for me what he means by "resident students."

Mr. Chairman: The answer has been given. The understanding, and I am certain it is correct, is that they will now have to do that, and in some cases—

Mr. Reycraft: I hardly think I need to explain to someone who has been the chairman of a board of education what a resident student is.

Mr. Davis: What about continuing education courses? Would Mr. Reycraft like to elaborate for me on whether this section impacts on continuing courses in the evening?

Mr. Reycraft: My impression is that students in the continuing education program will be affected in the same way as people in adult education programs will be, who will be affected

in the same way as normal secondary school students will be.

Mr. Davis: Then again, the public boards will have to make a determination, if I am correct, of whether the person is or is not a separate school supporter.

Mr. Reycraft: They will have to know whether they are resident students or nonresident students. A separate school supporter is a nonresident student to a public board of education.

Mr. Davis: Currently they are not, and it is not a determining factor.

Mr. Reycraft: They are at the elementary level.

Mr. Davis: I am not talking about the elementary level; I am talking about the secondary level, because that is where the impact is. Bill 30 does not apply to the elementary level. It applies only to the secondary level.

Mr. Reycraft: Bill 30 extends the separate school system of education in this province from the elementary panel into the secondary panel.

Mr. Davis: Yes, the secondary level. I think it is important—

Mr. Chairman: I am glad. If you did not, it would be a terrible shame.

Mr. Davis: It is important because it was raised by Penny Moss, for one, and by a number of other people. This means, in effect, that now a public board will have to make a determination, which I do not believe it has done up until this point, of that tax base. What is important for this section is, is that automatic? If only the assessment is being transferred, we need to know the dollar difference, if there is one.

I have another question on the adult transfer. The public board now has to go and ask Mr. Reycraft, for example, who comes to take an evening course to upgrade his—

Mr. Reycraft: Mathematics.

Mr. Davis: —mathematics, "Mr. Reycraft, are you a separate school or a public school supporter?" Mr. Reycraft says, "I am a separate school supporter." Under this section, for clarification, does that mean the public board then has to bill the separate school board for that individual? How does it get paid for him?

Mr. Chairman: He is currently a student. This is a very limited group. This is for a pupil currently in the public secondary system.

Mr. Davis: There are many in the night courses.

Mr. Chairman: Right, but I want to be clear about that.

Mr. Davis: Do they bill them for that, or is it again a transfer of assessment?

Mr. Reycraft: I assume they would be dealt with in the same way that other secondary school students would be dealt with: they would affect the assessment transfer. Their numbers would be included in the calculation in the same way the number of grade 9 students, grade 10 students, grade 11 students, etc., would be considered.

Mr. Davis: Can Mr. Reycraft clarify for me how the public school boards will be informed that the adults registered either in adult continuation courses or in daytime courses will have to go through this process?

Mr. Reycraft: The adults will not have to go through any process. It is the board that will do the calculations.

Mr. Davis: Right, but how will they be informed? If I understand it correctly, the adult who is currently enrolled in a mathematics course in the evening, unless the school board makes a determination that this person is a nonresident, if you want to use those words, or a separate school supporter, the public board will pick up those costs, and the only way to get those reimbursed is to inform—is it the ministry or the separate school board?

Mr. Reycraft: I am not sure whom they would actually inform. The money has to be sent from the separate board to the public board, and I am not sure who, other than those two parties, would be informed of the amount of the calculations.

Mr. Chairman: It is the two boards.

Mr. Davis: It is the two boards. The public board then has to make the determination, and whichever it is that comes across—whether it is fees or assessment—it would then have to inform the separate board of the numbers, and that money would then come across.

Mr. Chairman: Yes.

Mr. Reycraft: Thank you, Mr. Chairman.

Mr. Chairman: That is what I am here for. Any further questions, Mr. Davis?

Mr. Davis: I would like an answer to the first one I asked.

Mr. Chairman: We will try to get that as well. I want to see whether there are any other matters. We can come back to that one question before we proceed on votes on this and have that dealt with.

Mr. Davis: I have just one question for clarification. Will the government, when this

section is passed, request that the ministry inform the public boards that this determination has to be made? I am wondering how the public boards will understand that this determination has to be made for the adult. I know it applies to the student, but how will they know they have to make that determination?

Mr. Chairman: Some of their representatives who are here today will no doubt take it back to them. On the other hand, I presume the ministry does talk to the public boards from time to time. Do you, Mr. Reycraft?

Mr. Reycraft: Usually through the regional offices. I assume the information would go out in the form of regulations that would be circulated through the regional offices.

Mr. Davis: I have one more supplementary to do with this. What happens in the determination of those students if the separate board says it will not pay the funds or will not transfer across the assessment because it has an adult education program operating a mathematics grade 10 course in the evening? How does that issue get resolved?

Mr. Reycraft: Subsection 136n(1) gives those students the very clear right to remain in the public secondary school in which they started their education until the time they voluntarily leave that system. The separate board would not be able to refuse to have that number included in the calculations that would determine the amount of the assessment transfer.

Mr. Davis: Before we vote on this, I would like that other information on special assessment.
4:40 p.m.

Mr. Chairman: It is understood. I am not sure what sort of luck we will have. I know somebody went off to see whether Mr. Burtnyk could be found. If not, there is no point going to subsection 136n(2) until we have dealt with—

Mr. Reycraft: Mr. Chairman, it was my intent at the beginning of this afternoon's proceedings to table two amendments.

Mr. Chairman: Go ahead. Why do you not do that now?

Mr. Reycraft: Would it be appropriate?

Mr. Chairman: Yes. These are stood down until we get the information.

Mr. Reycraft: I gave all my copies to the clerk. There are two of them. I am tabling these and I am indicating we will move them at the time you deem to be appropriate, or when it is deemed so by the committee.

Mr. Chairman: We will desist and continue with what we were dealing with, since Mr. Burtnyk has been so kind as to join us at such short notice. I appreciate it very much.

Mr. Reycraft: Perhaps the clerk can be allowed to distribute them to the other members so that they can have a look at them. I will comment on them very briefly at some point when you feel it is appropriate.

Mr. Chairman: Mr. Burtnyk, we have been discussing the government amendment to subsection 136n(1) at this point, which deals with a pupil in the public secondary system who is Catholic but who wishes to maintain his or her connection with the public system. Mr. Davis has asked a series of questions around this, one of them being about the dollar values involved in this; and, again, the whole question of fees and assessment is being raised in terms of whether there is a difference.

Mr. Reycraft, in trying to answer Mr. Davis's question, has said that this is an assessment guarantee, if you will, and not fees, as it was in the original section 136n. He thinks they are substantially the same amounts as would be recovered by fees transferred, but Mr. Davis wanted to ask you some specific questions around this. That is the setting of what the questions are going to be about.

Mr. Davis: Perhaps you can help me. Mr. Reycraft has stated in his discussion that the change in the section is to move the assessment over for the individual student who, for example, is in grade 10 in the public system and decides to do his grade 11 in the public system and whose coterminous separate board decides to enact its right to become a secondary panel.

Subsection 136n(2) of the original bill said, "The Roman Catholic school board shall pay to the board that operates the public school the fees calculated in accordance with the regulations to which the board is entitled for providing secondary education to the pupil."

Let us assume he is a general student. What would be the fees in accordance with the regulations that today would normally be transferred across?

Mr. Burtnyk: It would equal the expenditure per pupil of the educating board.

Mr. Davis: Pick a board and tell me what it would be. Give me an example.

Mr. Burtnyk: The average in the province?

Mr. Davis: Yes.

Mr. Burtnyk: It would probably be about \$4,000.

Mr. Davis: Under the new section, what would be the dollars based on assessment that would transfer across for that one student?

Mr. Burtnyk: The average in the province again?

Mr. Davis: Try that for me.

Mr. Burtnyk: It would be about \$1,300 or \$1,400 a pupil. That would be the amount of tax that would go over.

Mr. Davis: Right. Perhaps you can clarify it some more for me. Mr. Reycraft has explained that the new section says that if a student currently enrolled in the public secondary panel when the separate board makes the determination for the extension of funding wants to stay, what will happen is that the Roman Catholic school board will then transfer across to the public school board, for the education of that student, the assessment for that student.

Mr. Burtnyk: Tax revenue per pupil.

Mr. Davis: Which I understand from you is \$1,400?

Mr. Burtnyk: Yes, that is about right.

Mr. Davis: In the original section, the transfer across was to be the fees calculated in accordance with the regulations to which the board is entitled for providing secondary school education to the pupil. I concur with you that it is around \$4,000 when you do that. Therefore, the difference between those two sections, if I am correct, is a difference of about \$2,600, which means the public boards will now be required to pay \$2,600 for the education of a student because it is an assessment transfer rather than a transfer based on fees calculated in accordance with regulations. Am I correct?

Mr. Burtnyk: No.

Mr. Davis: Why?

Mr. Burtnyk: It is very complicated. The educating board will still get a grant for those pupils. They are to stay resident pupils of the educating board for grant purposes. That board still gets that grant.

Mr. Chairman: What would be the average across the province?

Mr. Burtnyk: I do not know the average across the province. The ceiling is about \$300 a pupil. There are grant adjustments that take place, but that would be the picture. The feeling is that the total of the grant and the tax revenue and a few adjustments that take place would be approximately the same for the two systems.

Mr. Davis: What does "approximately" mean?

Mr. Burtnyk: I do not have the exact figures. I do not know the expenditure of the educating boards. I do not know a whole slew of things.

Mr. Davis: Could it be correct to say that in some jurisdictions the public board would be responsible for providing, small as it may be, a fraction of the costs of the education of the separate school student who resides within the separate school board?

Mr. Burtnyk: I do not understand that. I am sorry.

Mr. Davis: I can understand it is hard for you to make that calculation with all the things that fall in, but is it possible in some jurisdictions across this province—because you said it was approximate and could be \$1, \$100, \$200 or \$300 difference—that the public taxpayers will be paying a significant amount for the education of a separate school student?

Mr. Burtnyk: I cannot answer that, because we do not view things that way. There is the total assessment in support of a board that includes various things such as residential assessment, the whole lot of it, and corporate assessment. You cannot say the public school ratepayers will be supporting this to that degree. You cannot establish that.

Mr. Chairman: Or the converse.

Mr. Burtnyk: Right, or the converse.

Mr. Chairman: Which sometimes would be helpful.

Mr. Davis: That is helpful.

Mr. Reycraft: This is a supplementary to an earlier question Mr. Davis had. He asked about the average of the assessment transfer per pupil across the province. The response was that it would be \$1,400. Across the province, what is the average amount the educating board is now receiving in assessment for those same students?

Mr. Burtnyk: It is \$1,400.

4:50 p.m.

Mr. Reycraft: I come back to the point I tried to make before. The net impact of section 136n is that there will be no net effect financially on the public boards of education in this province. There will be no detrimental effect.

Mr. Davis: On that point, if you use the fees calculated according to the regulations and the student stays there, does he still get a grant?

Mr. Burtnyk: No.

Mr. Davis: In essence, as I understand it, you cannot conclusively state either position. Either

there will be no effect whatsoever or the effect will be very minimal.

Mr. Burtnyk: Right.

Mr. Chairman: Thank you for coming, Mr. Burtnyk. That was very prompt. A lot of people say, "If you call civil servants, you have to go through all these numbers and you never get them." The key is to call the minister's assistant, and Tim will get through for you. I will give out Tim's number at the end of the meeting—his home phone number. Call only after 11 p.m.

Mr. Reycraft: You do not know the minister's working hours.

Mr. Chairman: Shall we go back then, since we seem to have covered most of the questions around subsection 136n(1)? Shall we deal with that before proceeding to the next areas where you have amendments? You do not have any for subsection 136n(1), as I recall. The amendments start at subsection 136n(2).

Mr. Davis: Shall we go through and do them all and then vote?

Mr. Chairman: I was going to take this one now and go through. Since we have been talking about whether there is a need for the whole thing, we have dealt in general with whether we want the section. It seems to me we were about to decide that is the case. Then we can go through the amendments to the subsections as we proceed.

On subsection 136n(1), as amended by Mr. Reycraft on Thursday, all those in favour please indicate. The motion carries.

Subsection 136n(2) has been read into the record already. There is one amendment standing initially in the name of Mr. Davis, I presume. Do you wish to continue with that, or is this now handled by the other subsections of section 136n?

Mr. Davis: No, Mr. Chairman. I want to read that into the record.

Mr. Chairman: This is the time to do it.

Mr. Davis moves that subsection 136n(2) of the act, as set out in the bill, be struck out and the following substituted therefor:

"(2) A Roman Catholic school board shall pay to the board that operates the public secondary school the fees calculated in accordance with the actual costs of providing secondary school education to the people."

Mr. Davis, are you going to speak to that?

Mr. Davis: Yes, I will.

Mr. Reville: On a point of order, Mr. Chairman: I am wondering if this motion is in order in view of the fact that an amendment made

by Mr. Davis on May 20, talking about actual costs, was defeated. That was subsection 136d(2).

Mr. Chairman: A motion that is substantially the same can be reintroduced after a significant amount of debate. There has been a significant amount of debate since that period, so it is possible to reintroduce it.

Mr. Reville: Fair enough.

Mr. Davis: I thank my colleague for bringing to my attention—

Mr. Chairman: Your consistency.

Mr. Davis: —my consistency. During that debate, my colleagues and I were not convinced that the proposed amendment to have it in respect to fees as provided in the regulations would necessarily in all cases cover the actual operating costs of specific programs. We believe it is important that we place within the legislation that those fees should be the actual costs of providing secondary education to the pupil. That would be based on program costs.

My colleagues in the government are well aware of the recent Macdonald commission report which points out very distinctly that to make sure it is just, fair and equitable, the most appropriate way for funding education in the future in this province is on the basis of program costs.

It is my information that ministry officials, in consultation with boards of education, could very quickly work out those actual costs. I have been informed by members of the public boards of education that they are quite prepared, once they have arrived at a figure, to open their books, which I understand they do now anyhow, and share them with government officials so those figures can be justified.

What we find in the process, and I contacted one of my schools today, is that there certainly is a differentiation in the cost factors in operating the schools. For example, in what we call the expendable funds—which fund such things as general supplies, approved textbooks and periodicals—in the particular secondary school I contacted, I was told it receives approximately \$177 per student to operate the school in respect to this kind of expenditure.

I inquired about the expenditure for the English department and I was informed the expenditure would include, as I have already stated, approved texts, periodicals, subscriptions, general supplies and furniture. For that particular school, it was \$18,400. That is for the English department of the whole school; grades

9, 10, 11, 12 and 13. The English department, through the administration of the English head, has to decide how those funds will be appropriated to the various grade levels.

I asked about mathematics, and the expenditure for this year was \$4,800. The approved text was about \$1,100 for grades 9 and 10 and about \$1,100 for grades 11 and 12. There was an expenditure of roughly \$2,000 for supplies.

Then I asked about technical programs. The school budget for technical programs, because it is a composited school, was \$48,000. The textbooks in that particular case came out to about \$4,000 and supplies used for those machine shops and various other shops was \$37,000.

We also inquired about the business program of the school. Its business program expenditure is divided into \$12,000 to replace present typewriters and \$12,000 to accumulate new computers and word processors.

In effect, when you look at that, you find a high cost for the development of several programs that are offered in the public school systems. Coupled with those high costs is the fact that those particular subject areas, such as business and technical programs, have lower enrolments of students because of government regulations.

If a separate-board student takes English, math, history and a couple of technical programs, the cost to that board is higher because of the technical programs. We should place into the bill the appropriate amendment that we made. One of the reasons local boards do not have the kinds of problems one might expect as a result of this is because of their ability to raise funds from the tax base. They just make adjustments in the assessments of property tax to overcome those costs. We feel that should be addressed by making it the actual costs of payment.

5 p.m.

Perhaps the members of the government on this committee might be able to add some information as to why boards across the province spend above the ceilings. The ministry folds everything in. We believe it should be separated out so the actual cost of educating a specific student is well known. When we were discussing this before, the gentleman from the ministry indicated it was his opinion that there is a differentiation in the cost of educating an advanced student, a general student and a basic student. Those cost factors should be delineated and pointed out. That is exactly what the Macdonald commission report suggests.

That is why we wish to incorporate the actual cost of providing secondary education to pupils across the province. We believe there will be cases in the high-cost programs where the funding coming from the separate school boards will not cover the actual costs of the public boards delivering those programs. In the light of the grant regulations, those costs will be picked up through increases in the property tax bases.

Mr. Reycraft: I hear what Mr. Davis is saying. I point out to him that the regulations that control fees now recognize to a considerable extent the difference in program costs. To look at his amendment, though, we are talking about the actual cost per student. Having listened to what he talked about, I assume that the cost within a jurisdiction will vary from school to school, program to program and subject to subject.

We would need a whole new branch of the ministry to keep tabs on this. The boards of education would need additional administrators to be able to calculate it. It is not a workable plan. I do not disagree with him that there may be a need for some adjustment in those regulations that control the fees that boards may charge, but those regulations are reviewed regularly and periodically now by the ministry. I cannot support Mr. Davis's amendment as it is worded.

Mr. Chairman: Any further debate? We will vote on this motion on section 136n.

Mr. Davis: I would like to have a recorded vote. Can we get our colleagues in on this?

Mr. Chairman: Yes, if you like.

Mr. Davis: I will go and get them.

The committee recessed at 5:03 p.m.

5:16 p.m.

The committee divided on Mr. Davis's amendment to subsection 136n(2) which was negatived on the following vote:

Ayes

Bernier, Davis, McCague, Runciman.

Nays

Allen, Epp, Miller, G.I., Offer, Reycraft.

Ayes 4; nays 5.

The committee divided on Mr. Reycraft's amendment to subsection 136n(2) which was agreed to on the following vote:

Ayes

Allen, Epp, Miller, G.I., Offer, Reycraft.

Nays

Bernier, Davis, McCague, Runciman.

Ayes 5; nays 4.

The Vice-Chairman: The amended subsection 136n(3) has already been read into the record. We are voting on subsection 136n(3). All those in favour? Do you want recorded votes continuously, Mr. Davis?

Mr. Davis: No.

The Vice-Chairman: All right. Those opposed? The subsection carries.

Subsection 136n(4). I am waiting for some comments. If nobody wishes to comment, we will vote.

Mr. Davis: Mr. Reycraft, the rationale for subsection 4 is simply the fact that the assessment is moving over, not a figure. Is that correct?

Mr. Reycraft: That is correct.

The Vice-Chairman: All those in favour? Those opposed? Subsection 4 is agreed to.

Subsection 136n(5). All those in favour? Opposed? It carries.

Subsection 136n(6). All those in favour? Opposed? It is carried.

On subsection 136n(7). All those in favour?

Mr. Davis: I have a question on subsection 136n(7). Will Mr. Reycraft explain clause 7(b) and tell me why there should be different rates and "manners in which payments shall be made, different methods of calculating in respect of whom payments are required" and perhaps try to provide me with a few examples?

Mr. Reycraft: Did you say, "Could I"? Only with great difficulty.

The Vice-Chairman: Would you like to get some assistance?

Mr. Reycraft: My recollection is that the section simply allows for some flexibility in its implementation and the implementation of section 136n. I am at a loss to give any specific examples at this point.

The Vice-Chairman: I have looked to my left.

Mr. Reycraft: They do not want to provide any either. Advice is coming.

As I understand it, Mr. Kirkwood can expand a bit on the need for clause 136n(7b).

Mr. Kirkwood: It is my understanding that in some jurisdictions there are some things being done to the assessment base as a result of redistribution of assessment and an equalization of taxes. Therefore, to accommodate those particular circumstances, it might be necessary to write the regulation with respect to a particular area within the province.

Mr. Davis: I do not understand determining the number of pupils. The pupil would be there or would not be there, so I do not understand "to determine the number of pupils in respect of whom payments are required." As I understand it, when he introduced the section, Mr. Reycraft said that if there is a separate school student in the public system who decides to remain, he has the right to remain. Why are we now using a different basis in determining the number of pupils?

Mr. Kirkwood: The calculations ultimately will have to depend on the notion of the full-time equivalent pupil, so how you arrive at that will have to be specified in the regulations.

Mr. Davis: What happens if the student is not a full-time equivalent but, for example, comes across only to pick up two shop periods near the end of a school day?

Mr. Kirkwood: You add up the number of periods until you get the full-time equivalent.

Mr. Davis: For a moment, let us just assume—and that is for that specific school or school system. Is that correct?

Mr. Clifford: School jurisdiction.

Mr. Davis: What would happen if, when you made that calculation—and it may be hypothetical—you did not get a total full-time equivalent?

Mr. Kirkwood: It would be prorated.

Mr. Davis: That is how you do it.

This was one of the questions raised in the committees as we were travelling the province. Do I understand you to say that if X number of students in the Halton region, for example, moved across to pick up one or two subjects, be they technical or whatever, in the public system, the assessment will be moved across based on the number of full-time equivalents that those numbers of part-time pupils take?

Mr. Kirkwood: Yes.

Mr. Davis: Or prorated, depending—all right.

The Vice-Chairman: Subsection 136n(7). All those in favour? Opposed? Agreed.

Section 136n, as amended. Those in favour? Opposed? Carried.

The Vice-Chairman: Mr. Reycraft moves that subsections 136o(1) and 136o(2) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(1) A person who is qualified to be a resident pupil in respect of a secondary school operated by a public board is entitled to be a pupil in a secondary school operated by a Roman Catholic

school board if the area of jurisdiction of the public board is in whole or in part the same as the area of jurisdiction of the Roman Catholic school board.

"(2) A person who is qualified to be a resident pupil in respect of a secondary school operated by a Roman Catholic school board is entitled to be a pupil in a secondary school operated by a public board if the area of jurisdiction of the Roman Catholic school board is in whole or in part the same as the area of jurisdiction of the public board."

Mr. Davis moves that subsections 136o(1) and 136o(2) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(1) A person who is qualified to be a pupil in a secondary school operated by a public board is entitled to be a pupil in a secondary school operated by a Roman Catholic school board if,

"(a) the public secondary school is in the area of jurisdiction of the Roman Catholic school board; and

"(b) the director of education of the Roman Catholic school board is notified in writing by August 1 prior to the start of the school year of the person's intention to attend the separate secondary school by the person so intending, or if the person is a minor, the parent or other individual who has lawful custody of the person.

"(2) A person who is qualified to be a pupil in a secondary school operated by a Roman Catholic school board is entitled to be a pupil in a secondary school operated by a public board if,

"(a) the Roman Catholic secondary school is in the area of jurisdiction of the public board; and

"(b) the director of education of the public board is notified in writing by August 1 prior to the start of the school year of the person's intention to attend the public secondary school by the person so intending, or if the person is a minor, the parent or other individual who has lawful custody of the person."

Mr. Davis: The amendment is very similar in its opening part to the government's amendment, simply stating who qualifies to access or who does not. The reason we added (b) is that when we discussed this with members of the education community, there was a concern, not that they would preclude a student who came after September 1 and decided to register in either jurisdiction but that if they could have the information by, say, August 1, it would assist them in setting up their programs and their classes because they would know the number of students they are operating with.

Actually, if the government would be amenable to adding it as a friendly amendment, that would be fine. It is primarily a process amendment. As you probably are aware, Mr. Chairman, and I know Mr. Reycraft and the government people are aware, as you go ahead and schedule your classes—the number of students, the number of teachers you need and so forth—you make projections. This would enable the school administrators to prepare that information and not cause as much disruption as could be caused if a fairly significant number—it does not have to be large; four, five, six or seven students—come across, taking specific programs and causing a realignment of classes, moving students around when they already have their class sizes. It also helps the youngster who is going to go to one of the other systems to have a chance to get the credits that he would like to take. It is really a housekeeping kind of amendment to assist the boards in assimilating those students into their system without a lot of disruption, which would occur once the school system starts.

5:30 p.m.

Mr. Reycraft: I have some concern with what Mr. Davis has moved and with what he has said. First of all, most boards of education try to obtain the information that he talked about long before August 1. With most of them, it is a procedure they go through in winter, and by no later than the spring, that information would have been collected by most schools. Schools do establish guidelines by which they want to have that information. Once they have that information, they accept timetables and load classes until limits are reached and then they close them.

There is a real danger if we put the date which has been proposed here, August 1, into legislation. If that becomes the benchmark around which people make those kinds of transferring decisions, then there is a potential to cause a lot of disruption to both Roman Catholic school boards and public boards.

Another weakness to the amendment as it is put forward is that it fails to address the semestering situation. Students might very well want to make a decision later in the year in anticipation of a January or February commencement date for a second semester, in which case August 1 probably would be unreasonably early for them to have to make that decision.

Mr. Davis: That is a very interesting observation from my learned colleague, that August 1 is too early to make that decision, to make a

determination of which school one is going to attend for a semester that begins on February 1.

The Vice-Chairman: I thought he said it was too late.

Mr. Davis: No, he said it was too early for a semestered school in what we would call its spring program; the second semester.

I realize that August 1 does not coincide with the date that those determinations are made. I am quite aware of that. It does say “by August 1”; it does not arbitrarily set that as a guideline. But that allows the student, after he or she has finished the courses, finished the exams, that period of time to reflect if he or she would like to make that transfer. Giving that data by August 1 allows the school to make the necessary adjustments without disrupting classes once the student gets in the class. Once the student arrives in the class, then you have students accessing the system.

It happens now. Mr. Reycraft is well aware of that. Students do not necessarily go back to class by September 3. Some of them do not show up until September 30. I dare say Mr. Reycraft is quite aware as a teacher, and I am quite aware as a school trustee, as to what happens when you then begin to take a look at class sizes and say, “Whoops, we are going to have to break this class; we are going to have to move these students or we will have to fix this timetable.” It throws everything into a frenzy. Depending on the number of students who come back in, it also affects staffing.

Having “by August 1” as a kind of target date will allow the school boards to make those determinations and avoid some of those kinds of disruptions that will come if we leave it where anybody can apply at any time. It does not mean they cannot apply after that, but it also asks the student to make that determination sooner than September 3 or the middle of September. It provides some lead time for the boards of education to make the necessary adjustment.

I thought about using the date of May 30, which is the date they normally use, or June. If it is April, whatever it is, Mr. Reycraft, it differs from board to board. But I can assure you that when you make it that early you force students to make choices they may not be willing to make until later. The reason we have it in there is we think it will assist them to facilitate the transferring of students. That is the only reason it is in there.

Mr. Reycraft: I agree the boards need to have that information and schools need to have that information as soon as possible. I think there is

an incentive in place already to encourage students to make those decisions early in the school year. That incentive is that if a student wants to get a particular program, a particular list of subjects, then it is in the student's best interest to get registered for that and to make application for those subjects as early as possible in the option selection process.

Again, for reasons I have indicated already, I do not think August 1 in the legislation is appropriate. It is too late for the fall semester and too early for the spring semester.

Mr. Davis: You would prefer no date at all?

Mr. Reycraft: That is correct. I would allow the boards to establish their own rules.

Mr. Davis: I suggest the trustees on your local board contact you when the chaos occurs in September and a number of classes have to be readjusted. I suggest that parents would want to call you on that as well, just to indicate to you that it can create confusion and disruption.

Mr. Reycraft: It will not create any more confusion or disruption than occurs now between schools within a public board where they do not have jurisdictional boundaries.

The Vice-Chairman: I think the issue has been cut.

Mr. Davis: What does that mean?

The Vice-Chairman: It is time to vote.

Mr. Davis: Mr. Chairman, you cannot call the time to vote.

The Vice-Chairman: No, I am suggesting to you that unless I hear somebody who wants to talk—

Mr. Davis: I just thought I would remind you of the responsibility of the chair.

The Vice-Chairman: If someone would like to talk, then he should talk. Would you care to make some additional comments?

Mr. Davis: No, I do not wish to.

The Vice-Chairman: Would anyone like to make additional comments?

Mr. Reycraft: No, thank you, Mr. Chairman.

The Vice-Chairman: Would it seem appropriate to members of the committee to vote on subsections 136o(1) and 136o(2) at the same time, seeing that they contain the same idea?

Mr. Davis: May I ask one question for clarification? As I understand Mr. Reycraft's motion, that is complete open access for students to transfer to either panel with no restrictions.

Mr. Reycraft: Yes.

Mr. Davis: Thank you.

Mr. Reycraft: It does make reference to area of jurisdiction.

Mr. Davis: That simply means a student cannot transfer out of his or her own school area. In other words, a student going to high school A cannot ask to go to high school B, which is in another school area, just as he cannot do that now.

Mr. Reycraft: It provides open access within coterminous jurisdictions.

Mr. Davis: Fine.

The Vice-Chairman: We will vote on Mr. Davis's amendment. All in favour? Five. All those opposed? Two. The amendment is defeated.

Mr. Davis: I would like a recorded vote on the government amendment, Mr. Chairman.

The committee divided on Mr. Reycraft's amendment, which was agreed to on the following vote:

Ayes

Allen, Davis, Epp, Miller, G.I., Offer, Reycraft, Runciman.

Ayes 7; nays 0.

Mr. Davis: On subsection 136o(3), again we make an amendment because my colleagues and I are not convinced that the proposal covers the total cost of the programs.

The Vice-Chairman: Mr. Davis moves that subsection 136o(3) be amended to read: "The public school board shall pay the fee to which the Roman Catholic school board is entitled for providing secondary school education under subsection 1, and the Roman Catholic school board shall pay the fee to which the public board is entitled for providing secondary education under subsection 2."

Mr. Davis: Does either of those subsections still apply?

Mr. Reycraft: Are you asking if this is in order after his statement to the chairman a few minutes ago?

The Vice-Chairman: No, he should not. You may ask if it is in order. I am a bit confused because I do not think it is any different from what is in the bill.

Mr. Davis: I am just looking at that.

Mr. Allen: I think it is the same.

The Vice-Chairman: I believe it is the same, Mr. Davis. Therefore, it really is not an amendment.

Mr. Davis: I apologize for that.

The Vice-Chairman: That is all right. I think the reason it was there before was that you had substantially changed subsections 136o(1) and 136o(2).

Mr. Davis: That is right.

The Vice-Chairman: You wanted it to flow and it was a very advisable thing to do.

Mr. Davis: Yes, Mr. Chairman, that is correct.

The Vice-Chairman: Perhaps you would want to withdraw that.

Mr. Davis: I withdraw it.

The Vice-Chairman: Thank you. On the original section, as in the bill—

Clerk of the Committee: You still have to do subsection 3.

The Vice-Chairman: Yes. It does not have to be read because it is in the bill. We just have to vote on it.

All those in favour of subsection 136o(3)? Carried.

Mr. Davis moves that subsection 136o(4) of the bill be deleted and the following substituted therefor: "The fee to which a board is entitled under this section is equal to the actual cost of providing secondary school education to the pupil."

Mr. Reycraft: Having heard arguments presented by the third party a few minutes ago, I am wondering whether you consider this motion to be in order.

The Vice-Chairman: I certainly do. All those in favour of Mr. Davis's amendment?

Mr. Davis: I concur that to speak to it after we have just lost one is not in keeping with the tone of this committee. We will not do that, but we would ask that we be allowed to get our member to have a recorded vote.

The Vice-Chairman: Yes, you are entitled to that request.

Mr. Davis: Thank you. I will get him as quickly as possible. This is an important issue for us.

The Vice-Chairman: I see it as about 5:42 p.m. Would you agree with that?

Mr. Chairman: Yes.

The Vice-Chairman: I suggest to other members that if you want to keep your eye on the progress of people towards the door, we will save time. I am just throwing this out to anybody who wants to listen to it.

The committee recessed at 5:42 p.m.

5:51 p.m.

The Vice-Chairman: Order, please. History is about to unfold.

The committee divided on Mr. Davis's amendment to subsection 136o(4), which was negated on the following vote:

Ayes

Bernier, Davis, McCague, Runciman.

Nays

Allen, Epp, Miller, G.I., Offer, Reycraft.

Ayes 4; nays 5.

The Vice-Chairman: Do you want a recorded vote on subsection 136o(4) as well?

Mr. Davis: Which one?

The Vice-Chairman: The one printed in the bill.

Mr. Davis: Yes, please.

The committee divided on subsection 136o(4) of the bill, which was agreed to on the following vote:

Ayes

Allen, Epp, Miller, G.I., Offer, Reycraft.

Nays

Bernier, Davis, McCague, Runciman.

Ayes 5; nays 4.

The Vice-Chairman: On subsection 136o(5), there is a government amendment.

Mr. Reycraft moves that subsections 136o(5) to (15) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(5) A person who is qualified to be a resident pupil in respect of a secondary school operated by a public board and who is a pupil in a secondary school operated by a Roman Catholic school board is exempt from enrolment in or attendance at programs and courses of study in religious education but is entitled, upon application in writing, to enrol in and to attend such programs and courses of study as a pupil in the secondary school."

The Vice-Chairman: Mr. Davis has an amendment.

Mr. Davis: Could you please explain the process? Are we going to read in all the amendments and then debate them as we go back?

The Vice-Chairman: We will read them all in. Mr. Allen has an amendment subsequent to

your amendment, which he will read in. The debate will start from there and go backwards.

Mr. Davis: For clarification, will that process be open-ended so, for example, we can hear the rationale behind the government's amendment? If not, I would like some clarification as to how we are going to do that. As I understood it in the past, and I bow for some information, I believe we read in the government amendment and the government made a few remarks about it, then we read in our amendment and made a few remarks and Mr. Allen read in his and made a few remarks. Then we opened the debating process.

The Vice-Chairman: Yes, Mr. Reycraft, do you have some advice?

Mr. Reycraft: I was just going to make a few comments on the amendment, if you will allow them at this stage.

The Vice-Chairman: I was going to suggest it is possible to do this in both ways. Each amendment can be spoken to, as long as you understand that when we come to the voting, we will be working backwards from the amendment last placed. It is a little complicated because some parts of the amendments tend to overlap one another. For instance, when we deal with subsection 5, it is possible we will have struck out the rest of the sections that are printed or not.

There are two amendments to 130o(6), one from you and one from Mr. Allen, that are not quite the same motion, and we will have to deal with them independently. If it is the committee's wish, it may be helpful if we have Mr. Reycraft speak to his amendment so that you understand how it is flowing. It might inform your remarks when the time comes.

Mr. Davis: First, Mr. Allen, and then we will have the debate.

The Vice-Chairman: Unless we want to hear further from any member of the committee on how to order this part.

Mr. Davis: I appreciate that, thank you.

Mr. Allen: I wondered whether you were suggesting we speak after each motion.

The Vice-Chairman: I was suggesting we all know there will be three versions of subsection 130o(5) on the table. If Mr. Reycraft speaks to the rationale behind his amendment now, then we could have Mr. Davis speak to his and you to yours, but you have not put yours in. Would it be appropriate to have Mr. Allen's amendment put on the record now and then go back?

Mr. Davis: I am quite prepared to read it in and then to have Mr. Allen read his in. Then we

can go back and allow the government to explain the rationale for its position, I will say a few words and Mr. Allen will say a few words, and then we will have the debate.

The Vice-Chairman: Is everybody content with that?

Mr. Allen: Yes, that makes some sense. The point at which we begin debating the amendment to the amendment is the point at which the other parties can argue their position over against that amendment. It automatically requires that the government motion be defended at that point and that the Tory amendment be defended at that point.

The Vice-Chairman: It might help if we have Mr. Reycraft say a few words now.

Mr. Reycraft: Quite clearly, the amendment allows an automatic exemption from religious education courses for students who are in a Roman Catholic secondary school but who are resident of a public school within a coterminous area. We listened to the many groups who made presentations to the committee last summer. From what we have heard, it is our clear determination that the denominational character of Roman Catholic schools is not determined by the enrolment of students in religious education courses, but by the teachers who provide the education to those students.

We do not feel it is appropriate to require students who do not wish to be in religious education courses to enrol in those courses. We heard often in the testimony presented to the committee that such a practice, forcing a student who did not want to be in religious education class, could be very detrimental to the class and to the other students in it.

What we are recommending is entirely consistent with the practice being exercised by many of the separate school boards across the province.

6 p.m.

The Vice-Chairman: Mr. Davis moves that subsection 130o(5) be amended in the following manner:

"(5) Upon written application, together with written reasons supporting the application, a Roman Catholic school board shall exempt a pupil who is not a Roman Catholic from programs and courses of study in religious education if,

"(a) the pupil is enrolled in a program that is not otherwise available to the pupil in a secondary school operated by a public board within the area of jurisdiction of the Roman Catholic school board; or

"(b) it is impractical by reason of distance or terrain or by reason of physical handicap, mental handicap or multiple handicap, for the pupil to attend a secondary school operated by a public board."

That is almost the same as appears in the regulations. It is the exemption clause for those specific students. It is a basic understanding that the students who do not fall under that exemption would then be required to take religious education courses. We did not feel it was necessary, as the members of the third party did, to spell this out in the legislation. It would be a normal given. The rationale for requesting students who enrol to take religious education courses is because, as the government spokesman has said, we also listened to the people who came before us. It was our understanding this was the wish of the Catholic community.

The Vice-Chairman: That is quite similar to what was printed in the bill as subsection 136o(6).

Mr. Davis: Yes.

The Vice-Chairman: Mr. Allen moves that subsection 136o(5) of the act, as set out in the government motion and as amended by the official opposition, be struck out and the following be substituted therefor:

"(5) Upon written application, together with written reasons supporting the application, a Roman Catholic school board shall exempt a pupil who is not a Roman Catholic from programs and courses of study in religious education if,

"(a) the pupil is enrolled in a program that is not otherwise available to the pupil in the secondary school operated by a public board within the area of jurisdiction of the Roman Catholic school board; or

"(b) it is impractical by reason of distance or terrain or by reason of physical handicap, mental handicap or multihandicap for the pupil to attend a secondary school operated by a public board; "but a pupil who is not a Roman Catholic who attends a secondary school operated by a Roman Catholic school board for a reason other than those mentioned in clauses (a) and (b) is considered to have enrolled in all of the school's compulsory programs and courses of study."

Mr. Allen: It is with some concern that we viewed the government motion in this respect. Second, we did not think that the Conservative amendment was entirely complete. This party was relatively satisfied with the provisions that were in the bill originally with respect to the

attendance of non-Catholic pupils at a Roman Catholic school.

I remind members of this committee that in the preamble and in the intent of this bill, we are completing a separate school system. We are completing a system that is separate because it is distinct. It is distinct because the Catholic community of this province from the beginning of legislation governing public education in Ontario wished to have and was provided with its own schools. I am aware that the teacher is a critical factor in the maintenance of that distinctiveness and of the catholicity. That is the reason the amendment we proposed with respect to hiring had this so prominently figured as a qualification in that section.

We also think there are many other elements that make up the denominational character of this system. It is not simply the teachers. It is the Catholic community at large which gathers itself in an electoral fashion to elect its trustees. The trustees are elected from that community by the families who send the children to the school. All of those, together with the teachers and the administration, have the intention of maintaining a separate and distinct Catholic school system in Ontario. That is what we are doing. That is what we are providing the money for. That is why we are extending the system through grades 11, 12 and, as long as it exists, grade 13.

It has always seemed to us that there should be some place for those who need programs in a publicly funded system to have access to them. Hence, we are in accord with the bill when it specifies, as it does in clause 136o(5)(a), that the non-Catholic student who seeks to be enrolled in a program that is not otherwise available in the public system should have access. Because that is a kind of access of necessity, there should be certain exemptions that attach to that with respect to religious education.

Similarly, as a publicly funded system, it seemed that those who seek access to that system for other special kinds of necessity should be considered. Given that they are non-Catholic and it is a case of necessity, they should be given exemptions as a matter of course.

In the beginning, we were perfectly persuaded, and we remain so now that the people who wish to attend this school system by reason of choice are making a choice for a system that is denominational in character. In making that choice, the logic of their decision ought to be clear and should be one they are prepared to follow through with. They are not under any compulsion to attend this school. Therefore, they

are exercising a choice. If one is to understand it, the choice is for a Catholic school system. If they are attending a Catholic school system by choice, then one would assume that all of the things they want there are in the compulsory program.

It is for that reason that we have worded the latter part of our amendment in such a fashion as to refer not to the board but to the student or to the applicant. The person applying to attend the school system shall be considered, by virtue of his choice, to be enrolled in all of the school's compulsory programs and courses of study. That clause does not say that boards that, in their wisdom and for whatever reason, might wish to offer exemptions cannot do so. That would be their business. Our caucus was quite clear in our discussion of this question. We considered that the student who enrolled by choice should be considered to be enrolled in all of the school's compulsory programs and courses of study.

The Vice-Chairman: Legislative counsel would like to ask you a question of clarification, Dr. Allen?

Mr. Revell: Dr. Allen, the opening words in your motion read, "that subsections 136o(5) and (6) as set out in the government motion...be struck out." However, you did not say "6" when reading the motion. Did you intend it to read "that subsection 136o(5) of the act, as set out in the government motion...be struck out"?

There is no subsection 6 in the government motion.

Mr. Allen: I am sorry. Yes, that is what I intended.

Mr. Revell: The government motion ends at subsection 5.

The Vice-Chairman: We will correct the record to show that Dr. Allen was striking out subsection 5. The three positions have been put quite clearly. We can now see if anybody wants to ask any questions of Dr. Allen.

Mr. Davis: First, I need some clarification from the chair in respect to how Mr. Allen made his amendment. He made number 5 and I followed him until the end of clause (b). Then he said "but". On the document in front of me, he has a subsection 6. Is that to become clause (c), is that part of clause (b) or is that subsection 6?

The Vice-Chairman: No. Dr. Allen's intention is that there shall be no numeral 6, but rather whatever a "but" is called.

6:10 p.m.

Mr. Revell: The way it would be set up is that you would read through clauses (a) and (b) indented. Then the last six lines would come

back as a flush to the margin so that it has opened the indented text back to the full margin.

Mr. Davis: It is not a section on its own like clause (c) is?

Mr. Revell: No.

Mr. Davis: It is part of clause 136o(5)(b)?

Mr. Revell: It is not part of clause (b). It is part of subsection 5.

I can show the member. It would look just like that.

Mr. Davis: This is a procedural question only. When we are asked to vote on this, do we vote on clause (a), clause (b) and then that section? I guess I am asking if that section will have an independent vote?

The Vice-Chairman: It might be easiest to vote on the clause that starts with "but."

Mr. Davis: That is what I was asking.

The Vice-Chairman: We cannot do that, I guess, although it would be rational.

Mr. Davis: Why can you not do that?

The Vice-Chairman: Because it is only part of the subsection.

Mr. Davis: But legal counsel said it is not part of clause (b).

The Vice-Chairman: It is part of subsection 5 though.

This is a procedural problem. What is happening is that the difference between Dr. Allen's motion and yours is the flush part of subsection 5. However, procedurally, we have to take a vote on all of subsection 5 in Dr. Allen's motion. If that fails, we will then move to yours, which is part thereof. Because it is only part thereof, it is quite different.

Mr. Allen: Could I suggest that the latter portion of my subsection that Mr. Davis is referring to is a specific application of what is to come in his subsection 6. Section 18 of the Human Rights Code reads, "This act shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by separate school boards or their supporters under the British-North America Act 1867 and the Education Act."

In subsection 6, Mr. Davis has left it very general and has not given any specific instruction in that respect. It seemed to us it was important that the statement be made as to the application in the bill. Therefore, we have the wording before us. However, I would submit to Mr. Davis that the amendment I have put is entirely consistent with his subsections 5 and 6.

Mr. McCague: Is it not a little difficult in the wording? You talk about subsection 5 and you mention it in Dr. Allen's amendment. It does not seem to make much sense. He is probably saying he wants his amendment right at the top. That is the case, unless you get exempt by two means that might follow. You talk about "other than those mentioned in subsection 5" which is the same section.

Mr. Revell: I did not hear how those last words were read into the record, but the reference to other than those mentioned in subsection 5 should read as "other than those mentioned in clauses (a) and (b)."

The Vice-Chairman: That is right. That is what it should say.

Mr. Allen: The whole section deals with non-Catholic students who apply to the Roman Catholic board.

Mr. Reyecraft: I have some concern, not only with the principle of Dr. Allen's amendment—and I think the reasons I pose it were made obvious when I made my statements supporting our amendment—but about exempting pupils who are not Roman Catholics in that the exemption may be too narrow.

I am reminded of the testimony that was presented to the committee on a number of occasions by those representing students in French-language schools, which under Bill 30 might very well be transferred en bloc to a Roman Catholic school board. They would contain students who might be Roman Catholic but who do not wish to participate in religious education and given their choice would prefer not to. I am concerned about applying the legislation to that.

I am also concerned about the whole problem I see unfolding before us if this amendment is adopted that will lead to disputes in trying to resolve who is and who is not a Roman Catholic. I do not think we are enhancing the legislation by building into it something that will encourage further confrontation in trying to resolve those disputes.

The Vice-Chairman: I think Dr. Allen would like to address one of your concerns.

Mr. Allen: I have a further amendment which will come in as an alternative subsection 6 or 7, depending on how the chairman proceeds. It addresses the problem of the French-speaking student in the system who may be cumbered with having to take both français and anglais, for obvious reasons. Combined with the religious studies option, what will block off so many

compulsories that he has almost no electives left. I will have an amendment to cover that shortly.

I think we just disagree on the other matter.

Mr. Davis: First, a question about what Mr. Allen just said. I know the amendment is not before us, but perhaps he could clarify it for me. As I understood it, when he said the French student enrolled in a Roman Catholic school board under part XI of the act, he is only referring to those students who are non-Catholic being exempt from religious education if taking both French and English.

Mr. Allen: We can discuss this motion when we come to it.

Mr. Davis: Oh, no.

The Vice-Chairman: It appears it is indeed "Oh, no."

Mr. Allen: If you are making a ruling that we should discuss this other amendment, I should place it.

The Vice-Chairman: I think whether I make a ruling or not, it will have little effect. To protect the sanctity of the chair, I will keep my mouth shut. You may indeed have to discuss this matter now. Mr. Davis will require you to discuss it or not as the case may be. You may not want to discuss it, but I feel sure he will ask questions.

Mr. Allen: The answer to the question is very brief. It includes both non-Catholic and Catholic French-speaking students who may be enrolled in a French instruction unit or school under the board in question.

Mr. Davis: Could I have a point of clarification, Mr. Chairman? I thank Mr. Allen for answering the question even though it was not before us. It will help me in my deliberations. I may have to refer to someone from the ministry.

At present, a French student enrolled in a Roman Catholic school now takes religious educational courses, is that correct?

Mr. Kirkwood: Not in a public secondary school.

Mr. Davis: No. I am talking about the Catholic secondary school.

Mr. Kirkwood: If a Roman Catholic separate school is running programs in grades 9 and 10, they could be taking two credits in religious education.

6:20 p.m.

Mr. Davis: I am just trying to get a handle on what Mr. Allen's amendment means because I want to come back and talk to the section he introduced here at the bottom, which is the "but" section. His proposed amendment, which proba-

bly he will table tomorrow, means that a French student who is enrolled in a Roman Catholic school board, who happens to be Roman Catholic and now enrolls for the first time in grade 11 and is taking both French and English, may be exempt from religious educational studies.

The Vice-Chairman: That is what he says.

Mr. Davis: Mr. Allen, in your explanation of your section that began with "but," you stated that the way it is worded with respect to the pupil does not preclude a Roman Catholic separate school board from granting to that student an exemption from religious education. Could you explain how you foresee that occurring?

Mr. Allen: I presume it is within the right and proper jurisdiction of the separate school board to exercise its denominational rights in that respect. The manner of doing it is not particularly relevant at this point. It is a fairly straightforward procedure which would presumably conform with the necessity of communication.

Mr. Davis: When you made that suggestion, did you assume that the separate school board would say to a non-Catholic student who seeks access, who chooses to come there and is not there for any other reason, "Mary Jones, you do not have to take religious education because you are non-Catholic"?

Mr. Allen: Mr. Davis is addressing something that is not in my amendment. He is addressing a hypothetical situation with regard to a board that might choose in its own wisdom to do something other than what the legislation outlines. How it might behave under those circumstance is, as far as I am concerned, its own business. I do not pretend either to direct it or to describe what it shall do if it is functioning within the exercise of its own denominational right in that respect.

Mr. Davis: I want to explore this a bit further. As much as Mr. Allen likes to introduce amendments and not worry about the consequences, I think there are some tremendous consequences of this kind of amendment.

Let us assume there are two Roman Catholic school boards that are very close to one another and there are two non-Catholics attending the different boards. Charlie talks to his friend Harry and says, "I do not have to take Roman Catholic education in my school jurisdiction." Harry says, "I do." What happens if Harry goes and asks for exemption from religious education from his school board because the neighbouring school board has exempted its students?

The Vice-Chairman: Dr. Allen, what happens to Harry?

Mr. Allen: The two boards get together to get their act together.

The Vice-Chairman: Would that be Bill 30 they would get together on? The answer was that the two school boards could talk to one another about it.

Mr. Davis: As I understood the intention of the government when it first produced Bill 30, it foresaw a problem within its jurisdiction when a non-Catholic student came into the separate school board and wanted to be exempt from religious education. When the government looked at that—and I think we have to give it due credit—it said: "We could have a problem with a youngster who asks to be exempt and the school board says no. What happens when that school board says no?"

They attempted to rectify that through a number of amendments in which we went through an appeal system. I see Mr. Allen's amendment as sucking and blowing at the same time. He is attempting to say that a non-Catholic student is enrolled in religious educational programs because of his decision to attend the school. At the same time, he is trying to say a school board can allow that individual not to take that religious educational credit and he is not building into Bill 30 any kind of system for the student who comes across and wants to access this feeling that he does not have to take a religious educational program.

If I look down the road, because other boards will be practising that, it will create for the Roman Catholic school boards court decisions where a non-Catholic parent will challenge the right of the board to incorporate and mandate the religious education of his child. What Mr. Allen does not do in this amendment—and I know what he is trying to do—is provide some mechanism to assist the school boards that are going to find themselves in very serious difficulty because of this amendment. How does Mr. Allen foresee the situation I suggested as an example being remedied without creating conflict and chaos?

Mr. Allen: It is very straightforward. The pupil goes to the school with a specific understanding that he will end up taking the full program. Anything else from there is discretionary on the part of the board in question. I do not see how that leads us into litigation or anything else.

Mr. Davis: I know Mr. Allen has difficulty dealing with some hypothetical questions I ask, but is it possible under this that a board could exempt one student and not another student?

Mr. Allen: I presume most self-respecting boards have policies on these matters.

Mr. Davis: Mr. Allen's amendment says "enrolled in all of the school's compulsory programs and courses of study." Mr. Allen, can you explain to me again, so I can try to alleviate the concerns I perceive could occur with this section, why you incorporated that section?

If I understood the statement you made when you released your amendments, it was the New Democratic Party's position that non-Catholic students who choose to go to a Roman Catholic school should take religious education courses, period. That is it. There was no mention anywhere I can recall in your interviews with the press or in your discussions that there would be an opportunity for a separate school board to exercise an exemption clause other than those that are there because of clauses 136o(5)(a) and (b).

Mr. Allen: All I am doing today is explaining an implication. One does not always explain all the implications, but that is an implication. As far as I am concerned, I stated my position reasonably clearly. I do not think I need to say anything further to clarify the situation in response to Mr. Davis's last question.

Mr. Davis: I find Mr. Allen's position very similar to his position on hiring practices. He stated in that aspect that it is okay for the Roman Catholic school board to exercise what he states is its constitutional right to hire only Catholic teachers for the first 10 years. At the end of those 10 years, Mr. Allen will then say: "By the way, fellows, you were wrong for those 10 years. Now we are going to take that right away."

As I understand his original intent and as I understand his position as he clarified it through-

out the discussions after he released his amendments, it was his party's position that a student who chooses to go to a Roman Catholic separate school board shall take religious education. There was no discussion about the ability of separate school boards to make a determination on top of that.

Either you believe the student should take religious education or you believe he should not take religious education, but what I find Mr. Allen doing is saying, "On one hand, we are going to say that for the catholicity of students they should take it, but on the other, we will leave it in the jurisdiction of the separate school boards to determine whether they should exercise that right." I am having some difficulty with that.

Mr. Allen: Just as you found yourself in some difficulty with respect to the autonomy and denominational rights question on the hiring issue, you are having exactly the same problem this afternoon. You are suggesting I should somehow or other try to remove all autonomy from the boards. All I am saying is that with respect to the applicant, certain things shall pertain, but I am not prepared to trample on the autonomy of the boards in question. There is an implication that leaves them free to move in ways they may wish with respect to their own jurisdiction and their sense of their own identity. I think there is something quite proper about that. If you think there is something improper about it, I would like to hear what it is.

The Vice-Chairman: We will have to hear that another day. The meeting stands adjourned until tomorrow.

The committee adjourned at 6:31 p.m.

CONTENTS**Monday, June 2, 1986**

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-223
Adjournment	S-242

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Davis, W. C. (Scarborough Centre PC)
Johnston, R. F., Chairman (Scarborough West NDP)
Reville, D., Vice-Chairman (Riverdale NDP)
Reycraft, D. R. (Middlesex L)

Witnesses:**From the Ministry of Education:**

Burntyk, W. A., Senior Education Financial Consultant, School Business and Finance Branch
Kirkwood, W. T., Education Officer, Legislation Branch
Clifford, J. F., Executive Director, Education Services Division



No. S-10

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development

Education Amendment Act

Second Session, 33rd Parliament

Tuesday, June 3, 1986

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, June 3, 1986

The committee met at 4:15 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, An Act to amend the Education Act.

On section 2:

Mr. Chairman: I will call the meeting to order. We were at subsection 136o(5), but while you were all out I passed a number of sections which you probably would not be interested in. We are now at section 136x. For any of you who are reading along with me, it is on page 31.

Mr. Reycraft: Why did you stop at 136x?

Mr. Chairman: That is as far as I got before you came back in.

Mr. Reycraft: Would you like us to leave?

Mr. Chairman: The trouble is I was caught in an internal debate. I could not resolve it and there was no one else to break the tie. At any rate, we are at subsection 136o(5). I gather that not only were all three amendments moved yesterday, but also there was considerable debate from 6 p.m. on. Given that you had that debate and now considerable debate in the corridors, I presume nobody wishes to speak any further on this section and that we should move to vote. Is that correct?

Interjection: No.

Mr. Chairman: Oh, strange. I will draw up a speakers' list then. Seeing no speakers—

Mr. Davis: No. Just wait until we get ready.

Mr. Reycraft: I assume we are debating Dr. Allen's amendment.

Mr. Chairman: Yes.

Mr. Reycraft: I would like to ask some questions of Dr. Allen, who is just taking his seat.

Mr. Chairman: Go ahead. I am sure he is ready.

Mr. Reycraft: In thinking back to the last half-hour of debate yesterday, I must admit that I am a little bit confused in trying to determine just exactly what it is Dr. Allen wants to achieve with this amendment and at the same time trying to determine just exactly what Mr. Davis is attempting to achieve with his.

Our position in the amendment that we put forward is quite clear, that we feel students who are non-Catholic students in a separate secondary school should be able to choose whether they wish to be in attendance at and enrolled in religious education courses.

As I read Dr. Allen's resolution and try to interpret it, perhaps somewhat literally, it seems to me that the "but" clause, which was added at the end yesterday, states that, "a pupil who is not a Roman Catholic who attends a secondary school operated by a Roman Catholic school board for a reason other than those mentioned in clauses (a) and (b)"—that is, other than program, distance or handicap—"is considered to have enrolled in all of the school's compulsory programs and courses of study."

I interpret that to mean that non-Catholics in a Catholic secondary school, who are there by choice, are deemed to have enrolled in religious education courses; in other words, they must attend. As I listened to Dr. Allen's remarks yesterday afternoon, it did not seem as though that was what he was saying. I would like to have some clarification of that problem.

Mr. Allen: Mr. Reycraft heard me correctly. I do not know whether he was confused by my additional comment that, as I understood the way that part of the section was written, boards which none the less wished to exercise their discretion with respect to those students, might exempt them. I pointed out that since the clause did not refer to the boards exercising their options, as such, but rather to the way in which students enrolled should be considered to be enrolled, that option was therefore available to the boards. Other than that, Mr. Reycraft heard me correctly.

Mr. Chairman: Mr. Reville would like to add a word. What is the word?

4:20 p.m.

Mr. Reville: We are very conscious of the interest in trying to preserve and enhance the distinctiveness of the Roman Catholic school system. To that end, we think it is important to have as few students as possible in that system who opt out of the total package of programs that is offered. A simple explanation of why Dr. Allen has moved this amendment is that it is in

the interest of preserving the distinctiveness of the Roman Catholic system.

Mr. Reycraft: It does not seem to me that the flexibility is there to exempt students from religious education if we say every one of those students is considered to have enrolled in all the school's compulsory programs and courses of study.

Mr. Allen: I have given that some thought in the course of the last 21.5 hours, would it be? I will leave you to figure that out, Mr. Chairman.

Mr. Reycraft: Not without interruption.

Mr. Chairman: I will be back in a couple of days.

Mr. Allen: We have spent more time out of this committee than in it, although mentally we spend more time in it than out of it, if you get my drift.

I recognize the wording may be read as to seem to preclude discretionary exemption by the board. I would be quite happy to include in that last portion of the section, following the word "considered," the words "unless exempted by the board." It then reads: "For a reason other than those mentioned in clauses (a) and (b) is considered, unless exempted by the board, to have enrolled in all the school's compulsory programs and courses of study."

Mr. Reycraft: If we are going to put that in, why do we need to include that last clause at all?

Mr. Allen: Our concern is that there should be a statement in this part that deals with access by students. Students who attend by choice should feel an obligation to enrol in the full program of study, inasmuch as the system we are talking about is separate and distinct. If they have some reason they wish to plead which falls under program or necessity, or some other persuasive reason that would call upon the discretionary capacity of a board to waive its right to insist upon their participating in the full program since they are coming by choice, then an exemption can function.

Mr. Reycraft: I should also point out that we have a technical problem with the resolution, and that is identifying pupils as Roman Catholic rather than as resident pupils. I indicated the substance of my concern about that yesterday.

Mr. Allen: This discussion has been a bit piecemeal this afternoon, but it was my intention, on coming back this afternoon, to indicate I will be proposing that the wording be changed in such a fashion as to refer to resident and nonresident pupils, rather than to Catholic and non-Catholic.

It is quite straightforward to embody the language of the government motion in 5, which sets out the definitions with respect to resident and nonresident in such a way as to state what my amendment states. I do not see a conflict there. It is a wording question. I am quite happy to propose at this time that language change to resident and nonresident.

Mr. Chairman: We can clean that up as we go along, if necessary. Perhaps legal counsel can prepare that for me to read when we come to the vote, if necessary, to make it fit in with the wording in the preceding subsections referring to the new euphemism—no sorry, the new term.

Mr. Davis: Can Mr. Allen clarify again for me—

Clerk of the Committee: There is a bell on Dr. Henderson's amendment to Bill 94.

Mr. Chairman: We will recess until the vote is taken and then reconvene. You can stay if you wish or you can go up if you wish, but the committee cannot sit.

The committee recessed at 4:25 p.m.

5:20 p.m.

Mr. Chairman: The committee is called to order again. We are dealing with subsection 136o(5). This is Dr. Allen's amendment to the official oppositions's amendment moved by Mr. Davis, to the government's amendment moved by Mr. Reycraft, to the original motion.

At this stage, Mr. Davis had the floor.

Mr. Davis: I would like a point of clarification from Mr. Allen. When you talk about "unless exempted by the board" is it your intention that the board will exempt every student? Is it a total exemption by the board or a partial exemption?

Mr. Allen: The board could move in either direction.

Mr. Davis: That would mean that in the jurisdiction there could be some children exempt and some not exempt?

Mr. Allen: It would be done on a case-by-case basis and, therefore, the board would be applying some general sense of principle and policy.

Mr. Davis: Can I clarify it again? Are you saying that the board has two options and that one option is to exempt everybody?

Mr. Allen: The amendment I added to that subsection preserves the discretion of the board with respect to the matters of this subsection. Therefore, if it wishes either to move on a case-by-case basis as it feels disposed, or if it feels that it wishes to dispose of the matter in terms of a more general exemption, that is its

discretionary right. There is nothing in law that I could do about that. The boards have denominational rights but they do not have to exercise them.

Mr. Davis: This is for clarification, Mr. Chairman. Let us look at the Dufferin-Peel Roman Catholic Separate School Board as an example. In Dufferin-Peel, are you saying that some students who have chosen to go there by choice are exempt and some may not be exempt, or are you suggesting that there must be an application before the board acts? I am not sure how the exemption is given. Perhaps you would explain it to me.

Mr. Allen: There would clearly have to be an application, otherwise the board presumably would not respond, given the understanding that resides in the rest of the subsection.

Mr. Chairman: The beginning of the phrase is "upon written application."

Mr. Davis: That is applicable to those students?

Mr. Chairman: It is all one sentence as far as I can read.

Mr. Davis: Mr. Allen, what is the primary difference between your amendment and that which is in the original bill? Why do you prefer the board to do it? What you are really saying is the board may grant it but the pupil has to apply for it. Are you saying that if a pupil applies for it, it must be granted?

Mr. Allen: A pupil applies for what, Mr. Davis?

Mr. Davis: As I understand it, you said in this amendment that upon written application a student applies to the Roman Catholic school board to be exempt from the school's compulsory program in religious education. Must the board grant the application?

Mr. Allen: No. What this clause says is that the student, in the first instance, would be considered to have enrolled in the compulsory programs. The board, at its discretion, may act otherwise.

Mr. Davis: For clarification, if the student applies and the board says no, does that student have any other options?

Mr. Allen: No. If he is deemed to have come by choice, and the board says no, the board is exercising its denominational right that those pupils shall take religious education in accordance with the distinctive nature of the system.

Mr. Davis: The board does have the right to say yes to one student and no to another student?

Mr. Allen: If it feels there are significant and precise reasons why it should do so.

Mr. Davis: In a school jurisdiction, you could have children who have chosen to come across exempt from religious education and other ones not exempt.

Mr. Allen: Students who come across?

Mr. Davis: Students who voluntarily choose to go to the separate school system.

Mr. Allen: That is right.

Mr. Davis: Perhaps Mr. Allen could enunciate the difference between his proposed amendment to section 1360 and the bill. Why does he want to change section 1360, which allowed the student to make that application to be exempt, allowed the board to rule and then, if the board did not grant it, there was a process which the student could go through? Why has he changed that? Why did he not leave the bill as it was?

Mr. Allen: Because I preferred an amendment to be there which would view the issue from the point of view of the applying student in the first instance, rather than from the point of view of the board; so it was clear that the applying student would be required to recognize the nature of the school system to which he was applying. If he was going there by choice, then he should be considered to be enrolled, as the words say, in the compulsory programs and courses of that system.

None the less, I did not want to preclude or to override the discretionary power of the board, which resides there anyway, permitting it to act in another way, if it chose, with respect to those students.

Mr. Davis: I am having difficulty understanding Mr. Allen's proposal in respect to clause 1360(7) which says, "A Roman Catholic school board may exempt from programs and courses of study in religious education any other pupil who is not a Roman Catholic."

Mr. Chairman: Would you rather we did not deal with this, especially when the initial subsection is to replace subsections 5 to 15?

Mr. Davis: I was just asking the difference between the two. I think that is a legitimate question to ask.

Mr. Allen: I think I have answered sufficiently. If Mr. Davis has further problems with it – I think he, in point of fact, is finding it impossible to support it and therefore perhaps he should simply vote against it. If I might, I would call the question if it is permissible, Mr. Chairman.

Mr. Chairman: Mr. Davis has the floor.

Mr. Davis: I thank Mr. Allen for trying to read my mind. I am attempting to understand exactly the difference between what Mr. Allen is proposing here and what was in the original bill. It seems to me there is no significant difference. All he has done is to say that the student who registers understands he is in all the school programs. I presume that would be normal anyhow. A student who registers to go to a school takes the mandated courses and one of those, in the Catholic system, is religious education.

He has said it is upon written application—

Mr. Chairman: I understand what he has said and I do not know if you need to explain it to me any further. You seem to wish to.

Mr. Davis: Yes, that is my privilege, I understand.

5:30 p.m.

Mr. Chairman: If you would like to, yes. Although, as Mr. Allen says, if you do not understand why it is any different and you have moved an amendment to make it different, why not vote against his and support your own?

Mr. Jackson: That makes sense, Mr. Chairman, but that has not guided us so far, has it?

Mr. Chairman: We seem to be operating under a very civic model in terms of the questioning of people back and forth, rather than a normal parliamentary model. It confuses the chair a great deal as well.

Mr. Davis: I was under the impression I was to address the chair to ask the question. Am I wrong?

Mr. Chairman: No, that is not wrong. It is the questioning of individuals, rather than stating positions and why one is opposing something, which is the normal method here. You are taking much more of what I would call a board or a civic approach to the matter.

Mr. Jackson: In all fairness, in a minority government situation, we went through this with the pharmacy bills where an understanding was reached. Then there was a movement and, therefore, constructive amendment and refinement. You have had all your experience with a majority government.

Mr. Chairman: Not at all, sir. I have been elected since 1979.

Mr. Reville: Since 1969?

Mr. Chairman: It feels like 1969.

There has been much more debate in the corridors than in committee about this, which leaves me somewhat surprised that people do not

understand each other's positions at this stage, given the amount of time we have been in committee.

Mr. Jackson: That was all between two parties.

Mr. Chairman: No, it has been very much among three parties on this occasion.

Mr. Jackson: What a refreshing change.

Mr. Chairman: Mr. Davis has the floor. If you would like to continue, please do so.

Mr. Davis: Yes, I would like to continue. As I stated, as I see the proposal before me, all Mr. Allen has done is change the wording from the original bill which we have before us into a new kind of section. It is still the people who ask for the exemption and the board grants it or not. The difference in his proposal is that if the board says, "No, you cannot have an exemption," there is no alternative for that student to appeal.

I understand that Mr. Allen does not want to answer the question again, but I am trying to understand why he did not support the original bill, which does, in effect, what he is asking with this subsection.

Mr. Allen: Mr. Davis is trying to plumb my motives. It seems to me that if he prefers the original bill, he can vote against my amendment. I presume the Liberals will do the same. He can stand down his, the two of us can vote against the Liberals, and we would be back to the original bill. That would be a good way to get where he apparently wants to get. I do not know if that is what he wants to do, but that is my suggestion if he wants to get there.

Mr. Davis: I appreciate the suggestion. However, as you are aware, Mr. Chairman, we have been examining the process. We understand the position of the government is that it has listened and believes in its process, that most people who came before the committee prefer the government's proposal, which is that no one is required to take religious education.

As we went around, it was our understanding that we heard a different story. We looked at different pages and listened as best we could. I would read for example, that in a submission from Regiopolis-Notre Dame Catholic high school, the students say: "We generally support the legislation outlining non-Catholic students access to Catholic schools. Over the years, a number of non-Catholic students have attended our school and these students were enrolled in religious classes." They were part and parcel of being involved in that.

One looks at another issue; it is on page 24 of the brief. I should indicate who it is presented by because it is important. I keep losing that page. I apologize to you, Mr. Chairman. It must be right at the beginning.

It states: "If all such students are allowed to be excluded from religious education, the Catholic school will no longer be Catholic. If that is what this bill offers, then I say to you, 'Forget it'."

We decided to take a look at some other areas. At this point, we are hearing from a private citizen, a Mrs. Hammond, who is a separate school supporter. She states: "If a person be allowed access to the school for reasons of distance or program, then I feel they should have the right to refuse the 40-minute, or whatever, formal religious classes. However, I do believe that if parents and the child have decided that they want to opt for this particular type of education and the only reason they are doing so is because of the moral fibre, or whatever reasons they have other than the ones I already mentioned, I do not think they should be exempted."

Then we move to page 49. These statements are coming from various sectors as we travelled the province, such as Windsor, Kingston, Thunder Bay and Sudbury.

Mr. Reyecraft: What did they say?

Mr. Davis: I am getting to that.

Mr. Chairman: Please do not rush your statement.

Mr. Davis: I am finding them, Mr. Chairman. "The question I have is, if a non-Catholic student who, for reasons of program or geography, is forced to attend a Catholic high school, would you, a member of the Catholic community, accept the principle that this student should, if he or she wishes, be exempt from religious education?"

Mr. Allen said, "I feel they are coming to the Catholic system voluntarily; they should voluntarily take part in all the classes." Mrs. Durand is stating that they should be involved in the religious educational program. We find another group.

Mr. Allen: How about things that were said about your proposal on the hiring policy?

Mr. Davis: I would assume that is not the question I am answering right now.

Mr. Chairman: Mr. Allen, I am sure you will be able to go back and research each of these, except for the unnamed group that we had there. You will be able to find their positions on these other matters and no doubt take the next meeting

to draw it to our attention. I am sure we would all like to hear that.

Mr. Davis: There is another one from Kingston, from a separate school supporter. Again, it is a parent who states: "Exemption from religious education will be granted to those public students who attend a separate school who, because of great distance, cannot attend a public school, or because some physical or mental handicap made a separate school more suitable. I hope the number of students exempted from religious studies does not become too large. As a Catholic parent, I consider religion to be an important subject within the curriculum. If children see others exempted from religion, it might diminish the significance of their own religious studies." There is another parent who expresses concern about the exemption policies.

5:40 p.m.

The Metropolitan Separate School Board, in a recent letter sent by Father Carl Matthews—

Mr. Reyecraft: That leaves another opening for having more students.

Mr. Davis: I know what is going on. Father Matthews is very emphatic in his statement that was mailed to a number of parents in the separate school board area. He says: "The proposed amendment to Bill 30 will allow an automatic exemption from religious studies to all non-Catholic students. The Metropolitan Separate School Board believes that local boards must hold discretionary authority to require non-Catholic students who transfer voluntarily to take religious studies. The Catholic nature of the school community can thereby be maintained."

Mr. Chairman: There is a vote in the House on Bill 94, which I know all members will want to rush up to. However, given how quickly we got through the last one, perhaps we would like to hear a few more readings from the reverend. We have had only the Old Testament to this point, and we really need to get into the good news section.

Mr. Offer: Point of information: That was the Apocrypha.

Mr. Chairman: I presume we will all be back after the vote is taken to take up where we left off in this meaningful discussion we are all having.

The committee recessed at 5:41 p.m.

6:27 p.m.

The Vice-Chairman: I see a quorum. Mr. Davis has the floor.

Mr. Davis: The reason I read those briefs into the record was to indicate that as we went across

the province it was our understanding from the Catholic community—the parents and the students, a large segment of the educators and a large segment of the clergy of the church—that there was concern about the religious education programs. They believed that if a child or a student decided he or she would like to take his or her education in a separate school board, he or she would then enrol and take religious education courses.

I am not so sure that is much different than the students who are mandated by legislation to take other courses in the province to fulfil the educational requirements of the school board. For example, there is the issue of taking French in an elementary school. For a number of students, the French program they are required to take creates difficulty for them in their academic performance in other areas. However, that is a requirement of the school boards.

In this case, a separate school board is saying that one of the requirements for a student who comes there is the student's registration in the school's compulsory programs and courses of study, one of those being religious education.

As we look at the program, I do not think it is a frightening one. I do not believe it is a program of which students or parents should be frightened. I

take exception to the suggestion by the government when the word "forced" is used, that it is a forced position. We are saying that if a student decides to go there, for whatever reason, one of the understandings is that he or she will take part in the totality of that school's program. Part of that is his or her attendance at a religious education course.

An interesting thing is that somehow people believe that if you exempt students from a religious education course you exempt them from the ethos of the catholicity of the system. That is utter nonsense. We know the catholicity pervades, surrounds and encompasses the whole school system, so a student does not miss or is not exempt from that quality of education and life that is part and parcel of the separate secondary school program.

The Vice-Chairman: I do not want to interrupt you in full flight, but are your remarks almost concluded?

Mr. Davis: No.

The Vice-Chairman: Then we will adjourn until Thursday.

The committee adjourned at 6:31 p.m.

CONTENTS

Tuesday, June 3, 1986

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-247
Adjournment	S-252

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Davis, W.C. (Scarborough Centre PC)
Jackson, C. (Burlington South PC)
Johnston, R. F., Chairman (Scarborough West NDP)
Offer, S. (Mississauga North L)
Reville, D., Vice-Chairman (Riverdale NDP)
Reycraft, D. R. (Middlesex L)
Carrozza, F., Clerk of the Committee



No. S-11

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Thursday, June 5, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, June 5, 1986

The committee met at 4:05 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, An Act to amend the Education Act.

Mr. Chairman: We seem to be having difficulty getting started on time these days. I would like to suggest that we do our best to get down here in time.

I am going to suggest a different process for dealing with the possibility of votes in the House. I have made arrangements with two of the whips at this point to notify me when, in their opinion, there are five minutes to go before the actual vote will be taken and then we will be informed and we will leave.

Mr. Davis: Could I ask if our whip agreed?

Mr. Chairman: I have not spoken to your whip as yet.

Mr. Davis: Then I would like an understanding of how we deal with that if our whip has not agreed.

Mr. Chairman: If he does not agree, it does not really matter, because rule 107 reads as follows: "On a division being called in the House, the chairman of a standing or select committee shall suspend the proceedings in the committee for such time as will in his opinion enable members to vote in the division in the House and return to the committee."

That is what I will do. If I can get five minutes notice beforehand from the House that the vote is going to take place, you will all have a chance to vote. We will call the recess then, rather than going up for 25 minutes or half an hour as we have in the past.

Mr. Davis: I just want some clarification. What I hear you saying is that as chairman you have made a decision on how you are going to do this without going to the committee that normally meets, and that the process the committee—

Mr. Chairman: No. These are the rules of the House. The rules of the House state that I can decide. I thought our votes would be quicker upstairs than they were last time and therefore I just suspended immediately.

Mr. Davis: Will you explain to me why you did not consult the whip of my party?

Mr. Chairman: I have not been able to see him yet. I came in just at 3:30 p.m. and I came down to committee as soon as I could. You can try to get to him, but those are the rules and we will just follow them. I am saying I will make sure everybody gets a chance to vote, but I am not going to take up the time of this committee unduly any more because the votes were so slow in being taken on Tuesday in the House.

Mr. Davis: Are you suggesting it was deliberate, Mr. Chairman?

Mr. Chairman: I presumed it was deliberate, but the reason for it is another matter. I am sure it was not—

On section 2:

Mr. Jackson: May I ask a question? There is a bunch of papers all over the desk here. Can you advise if there is something you have handed out today? If not, I can get rid of all this nonsense on the public accounts that is sitting around here.

Mr. Chairman: I would definitely not feel it is necessary to keep the public accounts information before you. The only new piece of information you have before you is the motion that will be introduced at some point, I gather, by Mr. Reyecraft, which is to section 2 of the bill, subsection 1361(22) of the act.

Mr. Davis: Is it in front of us?

Mr. Chairman: It has been circulated but it is not to be dealt with at this point.

Mr. Reyecraft: Can you advise me at what point I may be able to introduce this amendment?

Mr. Chairman: Certainly. As far as I can see, at present we are dealing with subsection 1360(5). Is that right? I thought that after we dealt with this matter, when we deal with subsection 1360(5), at that point I would ask the committee members if they wish to revert to section 1361 or whether they wish to continue at that stage. I thought it might be wise to continue the hurried pace that we have been taking on subsection 1360(5) and not lose the momentum we have already gained at this point.

Mr. Offer: Sarcasm will get you everywhere.

Mr. Chairman: I will entertain it after we finish with whatever you decide to do with subsection 1360(5). When that is back on the table, I will make sure members have it at that

stage, because I am worried about too much paper being around at the moment myself.

Mr. Davis: That is section 1361?

Mr. Chairman: Yes.

Mr. Davis: We are going back to section 1361?

4:10 p.m.

Mr. Chairman: At some point or other, we may. We held section 1361 open on Mr. Jackson's request. I have no idea whether this is an attempt to deal with that or whether this is to deal with another matter.

Mr. Reyecraft: No, it is another matter.

Mr. Chairman: All I am saying is that we are not going to touch section 1361 until we finish subsection 136o(5). Then you can decide whether you want to go back or leave that for later on and deal with all the section 1361 amendments at once.

Mr. Davis: That is fair.

Mr. Chairman: Dr. Allen, did you have a question?

Mr. Allen: Yes. Are we ready to proceed with subsection 136o(5)?

Mr. Chairman: I am. Mr. Jackson has another point before that.

Mr. Jackson: I have a couple of questions. I am just trying to get my act together here.

What is currently before us for consideration is the New Democratic Party amendment tabled by Mr. Allen on June 3, the one I am showing you.

Mr. Chairman: Right. We will go back over that as an introduction before we move into subsection 136o(5). Is there anything else on matters outside the process on subsection 136o(5) at the moment?

Mr. Jackson: I have a question of Mr. Allen.

Mr. Chairman: On that?

Mr. Jackson: On subsection 136o(5).

Mr. Chairman: Then let me just formally go through where we are at and then we can move on to that. Mr. Allen had a point on subsection 136o(5) as well.

We have before us three amendments to the original section. The first was moved by Mr. Reyecraft, the second by Mr. Davis and the third by Mr. Allen. The votes will be taken on Mr. Allen's motion first, Mr. Davis's motion second and Mr. Reyecraft's motion third, but the discussion up to this point has been on all three proposals. I presume we would just continue along those lines until you decide it is time for us to come to a vote.

Mr. Allen, do you want to make a point?

Mr. Allen: If Mr. Jackson has a question, I will hold the point until after I have answered that question.

Mr. Chairman: Mr. Jackson, your question for Mr. Allen.

Mr. Jackson: My question is with respect to Mr. Allen's understanding of what constitutes his reference to the words "programs and courses of study in religious education." Specifically, my question is, does the reference to programs mean the wearing of a school uniform?

Mr. Allen: I would not normally consider that as part of program. That would be part of school discipline, but it would not be part of the school program as one normally uses the words in the system.

Mr. Jackson: "Not normally" is not as clear as I had hoped for, Mr. Allen. Let me reword it then, if I can step out of the specific wording of the subsection.

Is it your intention to say that non-Catholic students who go by choice to Roman Catholic schools will not be exempt from religious instruction and must wear the school uniform, because that is part of its program, or do you suggest that they can be exempt from wearing the uniform but not from attending the program?

By way of explanation, I wish to pursue it in this section because when I look at the entire bill, I find no other areas in which this matter is satisfactorily addressed. I feel we should be addressing that today. I know where I stand on the issue, but we are discussing an NDP amendment.

Mr. Allen: We have had a lot of debate on what I have meant by this and what I have meant by that. I am not going to get into questions of school uniforms. If there is some other point at which Mr. Jackson wants to bring that up for discussion of the bill, we can discuss it then. At this time, I would like to move the previous question.

Mr. Jackson: I am a little surprised by this, Mr. Chairman. I am not commenting. I am asking a question. I am trying to discipline myself.

Mr. Chairman: This is a little awkward, because of the format we have here, as to who has the floor. I am presuming Mr. Jackson has the floor, and therefore you cannot move the previous question until you are on the list to do so, but you do not have to respond to questions either, if you do not choose to.

Mr. Davis: He knows that. You should check last week's record.

Mr. Chairman: Mr. Jackson has the floor. I do not have you on the list, Mr. Allen.

Mr. Jackson: I would like to direct my question to legal counsel, if I may. In your opinion, is there any area of the total bill which addresses that? As you have counselled us in the past, is this the appropriate section in which to deal with the question I have raised, whether there are exemptions from wearing uniforms, as there are from attending religious programs?

Mr. Revell: I do not think I am in a position to indicate when questions may be raised; that is the chairman's ruling. Assuming it is the appropriate place, I do not think there is anything in the bill that provides for an exemption from the disciplinary rules of the particular school. It would be the same whether a child was attending a Roman Catholic school or a public school. I know of nothing in this bill that provides an exemption from discipline.

Mr. Jackson: I am raising it here because there may be further amendments to Mr. Allen's motion. I may want to come back to this issue of the uniform, because I am not quite convinced that it should be left in the bill in that form, given the amount of public input we had on the subject.

My other question, which would be to legal counsel, has to do with those Roman Catholic schools which, by their enrolments, are made up entirely of either young ladies or young men. If we are dealing with a second public system, are there any conflicts with the current legislation or the federal charter with respect to publicly funded education and specific schools which have exemptions on the basis of gender as well as religion?

Since we are dealing with student exemptions, I want to be clear in my mind how that matter impacts this bill.

Mr. Revell: Mr. Chairman, I am just not in a position to answer that question. I do not know the answer.

Mr. Jackson: Can I then ask that we remain open on this section until we get some advice?

Mr. Chairman: I am allowing you some latitude in raising these matters here, but looking at what we have before us I see nothing which speaks to either of the matters you are raising. They would either have to be dealt with in terms of another subsection of 136o, which would be quite possible, or somewhere else in the bill.

The things I see before me from all three parties have no mention of matters such as school

discipline, gender exemptions and access. You can move them, if you think they are necessary, in a separate section. That would be possible.

Mr. Jackson: All I am trying to ascertain at this point is if we as legislators, in dealing with this section, are including matters that are relevant to the religious program and what it has come to imply, both publicly and before this committee. I am trying to get clarification on that.

I have opinions from Mr. Allen and legal counsel. I am suggesting that, should we wish to deal with the two points I have raised, we not sign off section 136o completely. I did ask if this was the appropriate section in which to deal with this matter.

I believe the line I am pursuing is on track. I do not wish to take up any more of the committee's time, but at some point I believe the minister should be approached with the question I raised on gender access before we finalize this bill. That may give him another three or four days in which to help us resolve that issue.

Mr. Chairman: The normal method, if you wish things to be in the bill—and I understand the question-and-answer approach you are all taking here, but it is not the normal way the committee operates when we get to clause-by-clause—is that at this stage most parties present their ideas, what they see as being important in the bill or what they oppose in the bill, and move or oppose those sections or subsections.

If you wish those things in, it would be in order under section 136o, at some point, if you want to move them. But it is not incumbent upon the minister to do so if he does not choose to. If you wish them to be in, especially in a minority government, then it is your option to move them if you choose at that point.

They are not dealing specifically with the matters in subsection 5 at the moment, although the original motion reads subsections 136o(5) to 136o(15) be substituted by subsection 5. We would be doing only subsection 5 at this point.

Depending on whether Mr. Reycraft's original motion passed or one of the subsequent ones, we might have to deal with many other subsections or introduce some new ones. That would be up to you at that point.

Is there anything further on subsection 136o(5)?

Mr. Davis: When we get ready to vote, will a member or members—I am easy—be able to say a few remarks on their amendments before they are voted on?

Mr. Chairman: Sure.

Mr. Allen: As I remarked a few moments ago, I think we covered these amendments of mine in a very substantial fashion and I would therefore move the previous question.

Mr. Chairman: Are we having a recorded vote on this?

Mr. Davis: Mr. Chairman, can we get our member?

Mr. Chairman: Sure. We will adjourn for a few minutes until the member arrives.

The committee recessed at 4:21 p.m.

4:32 p.m.

The committee divided on Mr. Allen's amendment to subsection 136o(5) of the act, which was negated on the following vote:

Ayes

Allen.

Nays

Baetz, Davis, Epp, Guindon, Jackson, Miller, G. I., Offer, Reycraft.

Ayes 1; nays 8.

Mr. Chairman: I think the motion is defeated. Mr. Baetz, we could not have done it without you.

Mr. Baetz: I knew that. That is why I rushed back.

Mr. Chairman: We now move to the motion by Mr. Davis. Would you like to say a few words before we vote on that?

Mr. Davis: Briefly; I know you missed the debate the other day, but we would like to reiterate our feeling and belief that our amendment speaks most directly and reflects the thinking of the Catholic community, the parents, a large number of the educators and a large number of the clergy. For that reason, we place this amendment before this committee for its approval.

The committee divided on Mr. Davis's amendment to subsection 136o(5) of the act, which was negated on the following vote:

Ayes

Baetz, Davis, Guindon, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reycraft.

Ayes 4; nays 5.

Mr. Chairman: We now move back to Mr. Reycraft's motion. Do you wish to make a comment before we take the vote?

Mr. Reycraft: I have stressed my views on the amendment at some length already.

The committee divided on Mr. Reycraft's amendment to subsection 136o(5) of the act, which was negated on the following vote:

Ayes

Epp, Miller, G. I., Offer, Reycraft.

Nays

Allen, Baetz, Davis, Guindon, Jackson.

Ayes 4; nays 5.

Mr. Chairman: All three motions therefore fail, which takes us back to the original again.

Mr. Reycraft moves that subsection 136o(5) of the act, as set out in section 2 of the bill, be struck out.

As a point of order, Mr. Reycraft, why are you using this technique rather than voting against the subsection?

Mr. Reycraft: I guess there is no substantial reason for so doing, other than to make clear that this subsection needs to be removed from the bill because it deals with accommodation and access of students to the separate system. With the amendments that have already been supported, there is no need for the subsection.

Mr. Chairman: If committee members would like to do it this way, we can. Otherwise, we can vote against it, and other motions can be introduced. It does not matter to me.

Do people have the original subsection 136o(5) in front of them, which we have been proposing to amend and then failing to amend up to this point? I will not bother rereading that. We will say that is in order, Mr. Reycraft.

Mr. Reycraft: The original subsection only will be in the bill. You have it in front of you.

Mr. Chairman: Exactly. I will read it for you. "When the director of education or the appropriate supervisory officer, as the case requires, is of the opinion that accommodation is not available for the person in the secondary school, the director or supervisory officer shall give written notice thereof to the person or, if the person is a minor, to the parent or other person who has lawful custody of the person."

It is moved by Mr. Reycraft that this be struck out.

Mr. Reycraft: With the open-access provisions already endorsed by all three parties and adopted by the committee, there is no need for establishing procedures to be followed should there not be accommodation available in the

school operated by the Roman Catholic school board.

Motion agreed to.

Mr. Chairman: Subsection 136o(5) will be deleted.

Mr. Reycraft: I would now like to move an amendment to subsection 136o(6), and I am not sure whether this has already been circulated to members of the committee.

Mr. Chairman: I do not think so. Not to yours truly, anyway. It is coming. Members have the original subsection in front of them, I hope.

Mr. Reycraft moves that subsection 136o(6) of the act, as set out in section 2 of the bill, be amended,

(a) by striking out "together with written reasons supporting the application" in the first and second lines;

(b) by striking out "a pupil who is not a Roman Catholic" in the third line and inserting in lieu thereof "a person who is qualified to be a resident pupil in respect of a secondary school operated by a public board"; and

(c) by striking out "pupil" where it appears in clauses (a) and (b) of the said subsection 136o(6) and inserting in lieu thereof in each instance "person."

4:40 p.m.

Mr. Reycraft: With respect to the first part of the amendment, it is our feeling that if a written application to receive exemption from religious education courses is made, it need not be supported with written reasons as to why the application should be granted; the request should simply be made.

The significance of the second part of the amendment is that there is not a definition in the Education Act of Roman Catholic. To be consistent with previous sections of the act, we would instead refer to "a person who is qualified to be a resident pupil in respect of a secondary school operated by a public board" rather than try to define someone who is not a Roman Catholic.

The essence of the third part is simply to make it consistent with previous sections of the bill by referring to "persons" instead of "pupils."

Mr. Chairman: Mr. Allen, I note we have a motion from you on the same subsection. Because it is substantively different and would only be an additional matter to discuss, why do we not introduce it separately? Agreed.

Motion agreed to.

Mr. Chairman: Before we consider subsection 136o(6) as amended, there is another

amendment from Mr. Allen, which has been circulated.

Mr. Allen moves that subsection 136o(6) of the act, as set out in section 2 of the bill, be amended by striking out "or" at the end of clause (a), by inserting "or" at the end of clause (b) and by adding thereto the following clause:

"(c) the person is enrolled in an instructional unit of the Roman Catholic school board under part XI."

Mr. Allen: In dealing with the whole question of exemptions, the committee has heard time and again about the problem of students enrolled in instructional units where French as a first language is the centre and purpose of the program. In those instructional units it is very common, if not almost universal, for the French students to enrol in the complete English-language and French-language programs. What that does is to eat up massively the electives that are available to those students in their programs. It seems to us to be advisable to recognize the onerous situation that puts them in with respect to their preparation as students and that they should have the right of exemption from religious studies on that count.

Mr. Reycraft: This section deals with a specific group of youngsters within the education system of the province, as did the two subsections we just voted on. We are prepared to support Mr. Allen's amendment, because it indicates those students should be allowed exemption from religious education courses, which is quite consistent with the position we previously stated.

It remains our position that all students who are not resident pupils of a school operated by a Roman Catholic school board should have a choice as to whether they participate in religious education courses. While this may appear to be more narrow than that, we will be introducing additional amendments after we have dealt with this that will satisfy that objective.

Mr. Jackson: Just to be helpful, I wonder whether Mr. Allen might consider a friendly amendment, to use the reference "the pupil"—not "the person"—"is enrolled." That would be consistent with the language.

Mr. Reycraft: I just changed "pupil" to "person."

Mr. Chairman: We changed "pupil" to "person" in the first one.

Mr. Jackson: Why?

Clerk of the Committee: It was part of clause (c) of the previous amendment.

Mr. Allen: We had reverted to "person."

Mr. Chairman: We have reverted to being people. It is a dangerous thing to do.

Motion agreed to.

Mr. Chairman: I see no further amendments to subsection 136o(6). All those in favour of subsection 136o(6) as amended please indicate. Carried.

Mr. Allen moves that subsections 136o(7) to (15) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(7) A person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic school board for a reason other than the one mentioned in clause 136o(6)(a), (b) or (c) is considered to have enrolled in all of the school's programs and courses of study in religious education."

It is just a procedural thing, but we have had several of these amendments which strike out whole series of subsections. The last one did the same thing, and now we have gone through those other subsections. It might be easier in the future if we just dealt with the subsection itself and then voted against the other ones, if we chose to, afterwards. That way it will not trammel the works.

For instance, a potential amendment to subsection 136o(8) has just appeared in front of me, which I do not want to look at now, but it is a new motion I will present. However, Mr. Allen, please proceed to explain why you want to do this.

Mr. Allen: This is substantially the item I wished to have added to this section, comprising clauses 136o(5)(a) and (b), which we debated on Tuesday. The arguments still hold in my mind. The intent is, for the nonresident pupil in the Roman Catholic board who attends simply by reasons of choice, to lay on him or her an obligation to take the full program of study, which includes the courses in religious education, as noted in my amendment.

The reasons I gave for that were simply that the school system in question is one with a distinctiveness historically embedded in public education, in the statutes thereof and in the Constitution of this province and country. Therefore, anyone who accesses it by choice should make that proper recognition in his application of his intention to study within it.

Mr. Reycraft: Is it in order for me to move an amendment to Dr. Allen's motion at this stage?

Mr. Chairman: Yes.

Mr. Reycraft: I would like to do so.

4:50 p.m.

Mr. Chairman: Mr. Reycraft moves that the motion be amended by adding thereto the following, as a subsection of section 136o of the act:

"(8) In addition to the exemptions provided for in subsection 6, no person who is qualified to be a resident pupil in respect of a secondary school operated by a public board who attends a secondary school operated by a Roman Catholic school board shall be required to take part in any program or course of study in religious education where a parent or guardian of the person, or the person where the person is an adult, applies in writing to the Roman Catholic school board for exemption of the person therefrom."

Mr. Chairman: That is in order because the original motion was to strike out subsections 7 to 15. This would be a new subsection 8, I gather.

Mr. Reycraft: In substance, what this amendment does is allow the same kind of exemption from courses in religious education that is now available to students in schools operated by a public board to students who would be in schools operated by a Roman Catholic school board. In essence, it would allow the parents of any non-Catholic student who is in a school operated by a Roman Catholic school board to have the student exempted from courses in religious education.

Mr. Davis: After reflection, understanding the situation of a minority government, which I have come to understand more and more as we go along, the minister made a statement less than a week ago when his government moved a little off its policy to accept the New Democratic Party amendment with respect to the nondiscriminatory hiring of teachers in the separate school system after a 10-year period. We put forth our amendment, which we believed reflected the concerns and the expression of the Catholic community.

In this case, with the two amendments before us, we believe the amendments, the way they are, are a lot closer than the government's amendment was, which was complete exemption. We feel that might expedite the bill and not delay it and be seen in that manner. My understanding from Mr. Allen is that when a student goes across, it is understood that part of the course structure and subject matter he takes is religious education. We are prepared to accept and support these amendments.

Mr. Allen: With respect to the motion that Mr. Reycraft has just moved, perhaps it is a little more open than my original amendment had intended. In our discussion last day, you may recall, I indicated that it was not our intention in moving the motion with respect to attendance in all compulsory programs that the board should not retain a discretionary capacity to exempt if it so wished.

The reading of legislative counsel on our wording was that was one of our difficulties and that it did not leave that discretion available to the board. This amendment takes the matter a little further. I am prepared to concede that it does reflect substantially the practice that currently exists in the separate schools with respect to such students; and it does clear away some possible ground for litigation and contention. I would be willing to support that motion.

Mr. Chairman: We will take Mr. Reycraft's amendment first, I presume. All those in favour of Mr. Reycraft's amendment, which would be a new subsection 8? It is an amendment to Mr. Allen's motion, which you will note is to replace subsection 7 and not have any subsections 8 through 15. If you pass these two motions, you are saying that we will now have a subsection 136o(7) and a new subsection 8. We will not have subsections 9 through 15. The old subsection 8 will fall as well. All right?

Mr. Reycraft: Notwithstanding that subsection 5 is gone and everything else changes.

Mr. Chairman: Exactly. Why do we not take the motions as they are? All those in favour of Mr. Reycraft's motion, please indicate. All those opposed. Carried.

Shall Mr. Allen's motion, as amended, carry? All those in favour? All those opposed? Carried.

Mr. Chairman: That is it for section 136o, unless there are other amendments I do not know about.

Mr. Davis: I have one, Mr. Chairman.

Mr. Chairman: I apologize. I did not know you had one. I thought it wise to hesitate.

Mr. Davis: The numbers will have to be changed, because we were still operating on the original bill when we wrote it. It should now read: "I move that section 136o be amended by adding the following new subsection after subsection 8." It will become subsection 9.

Mr. Chairman: Mr. Davis moves that section 136o be amended by adding the following new subsection after subsection 8:

"136o(9) In communities where the separate school board does not elect to perform the duties

of a secondary school board for the area of jurisdiction of the board, upon request of the separate school board, the public board may provide teacher(s), on whom both boards have agreed, to instruct separate school students in health, family studies, guidance and religious education classes and provide an opportunity for liturgical services for separate school students."

Mr. Davis: Again, very briefly, it comes out of our sense of trying to be fair to all the parties involved with this bill.

As we went across the province, it was indicated to us that there will be jurisdictions where the separate school board does not elect to perform the duties of a secondary school board. In those areas, in the sense of co-operation with the public board, there may be the opportunity to provide those separate school students with classes in health, family studies, guidance and religious education, and with liturgical expression, if that is the desire of the community.

We have really left it within the discretion of the community. I think it is clear.

Mr. Reycraft: We did not have an opportunity to study this amendment until it was passed to us a minute or two ago. The first problem I have is trying to decide why it should be included in section 136o, which deals generally with access of students to the system, enrolment and attendance in—

Mr. Davis: Religious education.

Mr. Reycraft: —specific courses. In looking at it very quickly, I have technical problems with the way it is worded. We talk about separate school students, for example. It takes us back to the problem we have of identifying people. I assume we are talking about students who are residents of Roman Catholic school boards and in attendance at schools operated by public school boards.

Because we have not had an opportunity to look at it before, I suggest that this subsection be stood down until some time next week.

Mr. Davis: I have no problems with that.

Mr. Chairman: I am just thinking about what you are saying; whether this is the appropriate section for it.

Mr. Reycraft: It might more appropriately be included in section 136a.

Mr. Chairman: The only earlier section I can think of would be right at the very beginning, section 136a, in terms of the whole question of electing to perform.

Mr. Davis: I bow to your wisdom.

5 p.m.

Mr. Chairman: That has been closed. I do not think it fits into any of the later sections at all, because we start getting into the planning and implementation commission and that kind of thing. It can either fit here, or not here so much—

Mr. Davis: The rationale for putting it there was simply that we are dealing with religious education.

Mr. Chairman: If it is all right with members, I suggest we leave section 136o open until Monday or whenever. Depending on where we are with what we are dealing with at the time, we will come back to this matter under this section. Then we can have the debate about whether you wish it here, elsewhere or not at all. We will deal with it on Monday or at the earliest opportunity, depending on the ordering of the various things with which we are involved.

As a reminder for members who were not here at the outset, we will get the whips to ensure members have a chance to vote, if there is a vote.

Clerk of the Committee: There is one on Mr. Andrewes's amendment.

Mr. Chairman: We will have at least five minutes' notice before we leave. It leaves the door open. It is up to you whether you want to go back to section 136l or proceed to section 136p.

The only point I want to raise is that there are two matters under section 136l. Mr. Reycraft has brought in a new motion and Mr. Jackson wants us to consider another potential amendment. I am not sure if Mr. Jackson's is ready. If we are going back to section 136l, we might as well do both at the same time. Since Mr. Jackson is not prepared, instead of doing one little part of section 136l, why not go forward? Is there a reason I should know about, Mr. Reycraft?

Mr. Reycraft: I cannot recall Mr. Jackson's concern about section 136l. Did it have to do with students being given the right under the bill to make decisions instead of parents?

Mr. Jackson: I do not think that was the matter.

Mr. Reycraft: What was the concern you raised?

Mr. Jackson: The slip-year adjustment was the one thing. That may be a previous section. I just raised the question of whether legal counsel had done some additional homework on that, and I am satisfied.

Mr. Chairman: Therefore, there is just the one matter under section 136l with which we should be dealing. Why do we not do that? We

will deal with Mr. Reycraft's new motion under section 136l, introduced today.

Mr. Reycraft moves that section 136l of the act, as set out in section 2 of the bill, be amended by adding thereto the following subsection:

"(22) This section applies with necessary modifications in respect of entitlements of teachers who were employed by a public board that has jurisdiction in an area that is also the area or part of the area of jurisdiction of a Roman Catholic school board and who subsequent to a report to the minister by the commission under subsection 136f(1) but before the coming into force of this section accepted employment with the Roman Catholic school board."

Mr. Reycraft: The purpose of this subsection is to extend the same protections as are provided to designated persons to people who transferred from a public board to a Roman Catholic school board before the legislation was in place.

Mr. Chairman: Do you mean people who would have been designated if the timing had been different?

Mr. Reycraft: That is correct.

Mr. Davis: Does that apply to those individuals who volunteered to go across to the system last year? You are saying they are now designated teachers. Were they designated teachers when they went across?

Mr. Reycraft: It would involve teachers who went from a public board to a Roman Catholic school board that had the same jurisdiction or part of the same jurisdiction, after a recommendation from the planning and implementation commission to the minister but before the coming into force of the legislation. I think the short answer to your question is yes, with respect to people who transfer from a public board to a separate board.

Mr. Davis: Is it your understanding that all the teachers who made that transfer did so as part and parcel of the extension? Nobody went over there of his own free will just because he wanted a change of scenery. They are not covered. I am wondering how you can cover them, that is all. I think what you are saying is, every teacher who moved across—

Mr. Reycraft: In the interim period.

Mr. Davis: Yes. You presume they all moved across because of the extension of funding.

Mr. Reycraft: We are assuming those teachers transferred from one board to the other in the spirit of the guarantees that were contained in Premier Davis's announcement in June 1984.

Mr. Davis: That is what I thought. I was wondering about the teacher who decided a career change was in order and moved across. However, that is fine; I understand what you are saying. I will let the government sort it out.

Mr. Allen: Is this intended also to apply, and will it apply effectively, to the Metropolitan Toronto situation, where teachers have been volunteered, if you like, into the separate system in tandem with the movement of students but there has been no public board involvement in the transfer process? Does this cover those teachers?

Mr. Reycraft: Yes. It is the intent of the section to address those very teachers.

Mr. Davis: If I understand what you just said, those teachers who went across to the Metropolitan Separate School Board jurisdiction, and this is all in Metro, were not teachers designated by the Metropolitan Toronto School Board. It had not designated any teachers yet. Those who went across were hired out of the public board, but I understand no designation has been made yet. What happens now when the Metropolitan Toronto School Board says it has 30 teachers who are designated? You have designated a group back here and you have determined they are the designated teachers, but I am not sure that is correct. I look for some clarification on that point.

Mr. Reycraft: Mr. Davis is correct in saying those teachers have not been designated to this point. He knows they were not designated because the Metro board refused to participate in the discussions with its coterminous Roman Catholic school board. It is the intent to provide the protection to those teachers who transferred from the public board to the separate board after the recommendation of the commission was made to the minister.

Mr. Clifford: The key to the subsection you are looking at is, "to the minister by the commission." The commission may have called for a designated list from the public board, not received it, and then made a recommendation that these are the teachers who have been deemed to be designated, or whatever term you want to put in there.

Mr. Davis: In essence, is that what happened? Has the planning and implementation commission informed the minister that those teachers who moved in response to an application from the Metropolitan Separate School Board in the Metropolitan Toronto public school jurisdiction are now the designated teachers?

Mr. Clifford: In the current year.

Mr. Davis: Past and current?

Mr. Clifford: There has been no recommendation from the planning and implementation commission this year.

Mr. Davis: It was last year.

Mr. Clifford: Yes.

Mr. Davis: Are they the designated teachers?

Mr. Clifford: Yes.

5:10 p.m.

Mr. Davis: Then according to the Metro Toronto public school board, a teacher who was surplus to the system last year—and I am going to use a specific teacher, not by name but by classification—a technical teacher who has not been designated, that teacher will not be designated.

Mr. Clifford: My understanding is that no teachers in the Metro Toronto boards have been designated.

Mr. Davis: I do not want to belabour this, but I think it is a very important point. In effect, what I understand Mr. Clifford to have said is that by the inclusion of this, the planning and implementation commission will say those teachers who have transferred across are now designated teachers.

Mr. Clifford: They will have the right to recommend to the minister that these are the teachers involved in the transfer, consequent of the election of the Metro separate board to extend.

Mr. Davis: I want to ask how you deal with this question when the Metropolitan Toronto public school board comes to you and says, as I understand it will, "In our process, teachers who should have been designated to go across are six technical teachers whom we still have in our surplus group." What happens to those teachers?

Mr. Clifford: I suggest they will be making that recommendation to the planning and implementation commission, and I cannot speak for the commission on how it will deal with that. I can answer your question on this one, but I do not know how the planning and implementation commission will.

Mr. Davis: I understand it says the teachers who went across because of job applications are the designated teachers, even though they are not the designated teachers to whom the public board has agreed.

Mr. Clifford: They have the rights and privileges of designated teachers.

Mr. Chairman: They have the same privileges. It is not calling them designated. They will be protected.

The question you are asking is, if the Metro board were to identify other people now, or once it enters the process, which it did not do in the past, what happens to those other people they have identified? Does that become a matter they have to negotiate with the PIC, the Metro separate board and ultimately the minister? I presume that is what we are hearing. This would mean that where there was a recommendation by the PIC, those people who went would be protected as if they were designated.

Mr. Davis: Can Mr. Clifford tell me how many teachers we are talking about?

Mr. Clifford: No, but I can find out for you.

Mr. Davis: Can we stand this down until Monday and have that information?

Mr. Chairman: To be clear, it is not that you do not want these people protected.

Mr. Davis: That is correct.

Mr. Chairman: That is all this does. I do not know what you wish to do, but if you wish to ensure, for instance, that somehow the Metro board or other boards would have the right to add people to that, it becomes a second issue.

Mr. Davis: Maybe I can ask this: was it the understanding of the planning and implementation commission or Mr. Clifford that those teachers who responded to a job application to move to the separate school board did so on the understanding that by doing that they were being granted protection as a designated teacher, or did they simply move because of better job opportunities and so forth?

Mr. Chairman: I think we will leave the answer to that hanging so we will all have some anticipation as we come back after the vote.

The committee recessed at 5:15 p.m.

5:29 p.m.

Mr. Chairman: We will continue. We are dealing with the proposed subsection 136l(22) of the act under section 2 of the bill. The suggestion was that it be stood down until Monday. We will do so unless you have the information requested by Mr. Davis. Do we have that information now?

Mr. Reycraft: Mr. Clifford has the information.

Mr. Chairman: Unfortunately, I do not have Mr. Davis.

Mr. Offer: Never the twain shall meet.

Mr. Chairman: Why do we not try to stick with this and see whether we can get it done.

Mr. Reycraft: Do you want me to see whether he is in the hall?

Mr. Chairman: Yes, thank you.

Interjections.

Mr. Chairman: Unfortunately, I do not have Mr. Davis. Why do we not try to stick with this to see whether we can get it done. Counsel is telling us that the stuff we did around clauses 136l(20)(a), (b) and (c) would better be in its own little section and that we should move to a new section 136la.

Mr. Jackson, we have the information for Mr. Davis. Do you know when and if he is going to be back?

Mr. Jackson: I know he would not have left this mess, and I know he is not that hungry so he has not gone home for dinner, but I do not know where he is. I could go looking for him, but I think he will be here in a second.

Mr. Chairman: We might as well put this on the record while we are here. There is one other thing we want to do. Counsel has suggested the sections we passed around the whole job hiring question would be better off in their own section rather than under that long section 136l. He is suggesting we move them as section 136la.

I need somebody to move that as a renumbering thing, because it is a separate section and not just a numbering within the section. We will do that before we leave section 136l as well.

It is what we have passed already, so we are not going to debate the substance. Because it is entirely a matter separate unto itself and of such importance, it would be better off in its own section. Legal counsel is suggesting we do that. For the moment, why do we not stand down subsection 136l(22) and have somebody move the recommendation from counsel? Mr. Jackson, would you like to do that?

Mr. Jackson: So moved, Mr. Chairman. Do you want it read into Hansard?

Mr. Chairman: I guess we had better.

Mr. Jackson: You do not want that all read, just renumbered.

Mr. Chairman: Mr. Jackson moves that section 136l, as amended, which was temporarily numbered as clauses (20)(a), (b) and (c), be separated from 136l to form a new section 136la.

Is there any debate? Agreed?

Mr. Epp: Do we know what we are voting for?

Mr. Chairman: Yes; sorry. For those who were not listening, it is simply a matter of the hiring discrimination question, which we debat-

ed the other day. It has been suggested by legal counsel that it would be better off in its own section rather than as part of that long section 136l and that we would now set up a section 136la as a separate grouping for this. That is all it is. We are not dealing with the substance of the matter; we are dealing only with the numbering.

Motion agreed to.

Mr. Chairman: Moving back to subsection 136l(22), which now would be renumbered, Mr. Clifford has some information for you. This is what we were just dealing with, Mr. Davis.

Mr. Clifford: The question was put on the number of teachers in the Metropolitan Toronto area who moved to the Metropolitan Separate School Board for the school year 1985-86. The number is 44.

Mr. Chairman: All those in favour of Mr. Reycraft's motion to amend section 136l by adding a new subsection 22, which now will be renumbered, please indicate.

Motion agreed to.

Mr. Chairman: Shall section 136l, as amended, carry? Carried.

We now will move on to section 136p.

Mr. Reycraft: I have a new section that I would like to introduce. Legislative counsel has numbered it section 136oa for me. Is it appropriate now?

Mr. Chairman: Yes; it would come before section 136p.

Mr. Reycraft moves that section 2 of the bill be amended by adding thereto the following, as a section of the act:

"135oa(1) A person who is not an adult and who has an entitlement under subsection 136n(1) or subsection 136o(1) or (2) shall exercise that entitlement only with the written permission of his or her parent or guardian.

"(2) Where the person in respect of whom an application is made under subsection 136o(6) is not an adult, the Roman Catholic school board shall not grant the application unless the application is signed by the person's parent or guardian."

Mr. Reycraft, do you wish to speak to it or do you think it is self-explanatory?

Mr. Reycraft: I think it explains itself.

Mr. Davis: I would like you to explain it.

Mr. Jackson: Is this partially the concern I raised? Does it have anything to do with a student who is allowed to stay in one system to complete his schooling and who cannot be forced to attend the other system?

Mr. Reycraft: Subsection 136n(1) deals with exactly that concern. I believe it was a concern you raised before the committee, Mr. Jackson. The concern was that students who were not adults would make decisions without the knowledge of their parents or guardians. This provides that the entitlement will be exercised only with that written permission.

Subsection 136o(6) is the one we just finished dealing with. It is a matter of exemption from courses in religious education. It requires that the application from a student who is not an adult has to be signed by the person's parent or guardian.

Mr. Jackson: I would like to clarify it and then ask a question. My concern was not what you suggested. My concern was with respect to a student who might not be of the age of majority.

The act is written in such a way that where he is eligible to stay and chooses to, we have given him a right to do so. When a parent says, "I am sorry, but you are going to the other system," it is the student's rights I am concerned about, and not the parent's right to dictate which school system the student would go to.

That was the concern I raised. My question to legal counsel was, "At what age does a student have the right to make that determination?" I thought it was clearer when I got a first glimpse of counsel's reaction. Will counsel please explain the ramifications of this based on the questions I raised?

Mr. Revell: I cannot remember exactly the questions you raised.

Mr. Jackson: I just reiterated them.

5:40 p.m.

Mr. Revell: In terms of the child having the right without the parent's consent, it was not clear in the bill. In terms of what you have just expressed, Mr. Reycraft's amendment means exactly what it says. A person who is under the age of majority—

Mr. Davis: Is that 16?

Mr. Revell: It is 18 in Ontario. You must attend school until you are 16, but you are not an adult until you are 18. Therefore, a person who is not an adult and has an entitlement under these provisions, has to have his or her parents' permission. I believe this is not dissimilar to other provisions in the Education Act which deal with other matters involving elections by pupils.

Mr. Jackson: Can you expand on that?

Mr. Revell: It might be helpful if Mr. Kirkwood could run us through some of these areas.

Mr. Chairman: Mr. Kirkwood is consulting with Mr. Copeland. Your counsel will no doubt clear it up. Unfortunately, this is one of those issues that comes up a lot in Ontario. There are very few rights for 16-to-18-year-olds in this province under any legislation.

Mr. Davis, would you like to speak to it before we get Mr. Kirkwood back?

Mr. Davis: I will wait. I will be able to speak to this for a while.

Mr. Chairman: Mr. Kirkwood, as you may have heard before you left, the issue has been raised by Mr. Jackson, who ended up asking whether there are other parts of the Education Act which, as counsel suggested, require the age of 18 for a student to elect to undertake various things. Mr. Jackson wanted to know some of the specifics of that.

Mr. Kirkwood: The pupil records section, subsection 237(4) of the Education Act, says:

"Where, in the opinion of a pupil who is an adult, or of the parent or guardian of a pupil who is a minor, information recorded upon the pupil record of the pupil is,

"(a) inaccurately recorded; or

"(b) not conducive to the improvement of instruction of the pupil,

"such pupil, parent or guardian, as the case may be, may, in writing, request the principal to correct the alleged inaccuracy...."

It seems to me this is a parallel provision with regard to the age of majority and the rights of the pupil to do certain things.

Mr. Jackson: I am glad I asked the question, because I cannot agree with Mr. Kirkwood that this is a strong enough parallel. My concern here is that we as legislators are not going to concern ourselves, or it would appear that these motions are not attempting to concern us, with students who do not vote. If one is 16 or 17, it really does not matter. However, there are students who will be affected by this legislation.

I have great difficulty, and this is why I want to clear up Mr. Reycraft's misconception of my concerns. My concerns are with a student having the right to remain in the system for those three years—a grandfathering clause, if you will—but there are certain implications to saying to a 16-year-old in Ontario, "You have to go to this other school," whether or not the parent is telling him he has to.

We have made provision in the bill for the transfer of the assessment and we have made lengthy provisions for being sensitive to the impact on teachers. It seems harsh and somewhat heavy-handed, at first knowledge, to allow a

student to stay, but then to say that all the parent has to do is say, "We would like you to go there."

I do not want to go into a long litany of all the presentations we had where this very mute point was raised, because it was a sort of hidden point. It surfaced with respect to the notion of not being able to afford to pay and how the student's life changed or did not change. A variety of points were raised, but I feel it is unfair—I am sorry, but that is the only word I can come up with—to a student, and I do not care whether we are talking about only four students in Ontario. We will be talking about those four students for three years and then it will no longer be an issue, or we should construct it in such a way that we do it in that way. I am having difficulty with the intent. Why have subsection 136n(1) if you say that as long as the parent or the guardian indicates that is the system to which he or she wants the student to go, then that is all that matters?

Mr. Chairman: The rationale is that the decision-making in all this is based on the assessment and the parents' rights in one way or the other and not on the children's rights. That makes it consistent with most law in Ontario with regard to the rights of kids.

This is to clarify the age of majority as being the key and that the parent has the right. Under this section, you can amend this to indicate otherwise if you choose to. I presume you have to choose an age you think appropriate or make a decision on whether you wish to inflict that right for any student who is currently in the system, no matter what his age, which puts us in a very difficult position with families in the province, or just to vote against this, hope it gets voted down and leave it ambiguous and therefore up to the boards and parents, etc., to try to sort out.

Mr. Jackson: We have just received this amendment. I feel badly because in a sense I precipitated it by flagging the concern. Now, and rightfully so, legal counsel has come up with something to close the gap or make it clearer, but I am not pleased with the result. I have difficulty in tying it to subsection 136m(1).

Mr. Chairman: And subsections 136o(1) and (2).

Mr. Jackson: And subsections 1 and 2. Not being able to think as quickly as I would like to—

Mr. Chairman: There are other people on the list; so do not worry about that.

Mr. Jackson: Fine. I will get my act together.

Mr. Chairman: Mr. Davis, do you want to speak to this?

Mr. Davis: Yes. First, it appears to me that we have here a restrictive type of clause. I want to ask a few questions. I believe the ministry staff will have to answer one for me.

Am I correct in saying that when a student turns 16 years of age, he can quit school without his parents' consent?

Mr. Chairman: I can answer that one.

Mr. Davis: I bet you can.

Mr. Chairman: And so can you.

Mr. Davis: That is right.

Mr. Chairman: Yes is the answer. Am I correct?

Mr. Clifford: Yes.

Mr. Chairman: I have done it again.

Mr. Davis: I have great difficulty that at 16 years of age, without the parents' consent, a child can remove himself or herself from the educational process. They are now saying a person who is not an adult—and I thank legal counsel and you, Mr. Chairman, for defining "adult" as 18—cannot exercise at 16 years of age the right to choose to go to a separate school or a public school without his or her parents' consent.

If the ministry and the government is, in a sense, consistent, then it should say that at 16 years of age a child cannot leave school without his or her parents' consent. We have a double standard. I do not believe it is a regulation, or is it a regulation where a 16-year-old can leave without the parents' consent? Is that practice a policy regulation?

Mr. Kirkwood: It is the compulsory school age.

Mr. Davis: A 16-year-old can make that decision. Perhaps Mr. Reycraft can tell me why a young person can decide not to go to school at 16 years of age, and yet at 16 years of age a young person does not have the capacity to decide whether he or she wants to go to another school jurisdiction without the parents' consent?

5:50 p.m.

Mr. Reycraft: There is a very wide range of rights that a person who is under the age of 18 does not have. Some of them relate to education and others relate to a lot of other things. We are getting into a very large argument that does not need to be specifically addressed in this bill.

We have brought this section forward to address a concern expressed by Mr. Jackson. It is obvious that we misinterpreted the concern. It is causing more problems and not resolving any. If this is not the concern, we are quite prepared to withdraw this section.

Mr. Davis: Fine. They withdraw the act, Mr. Chairman.

Mr. Chairman: Counsel is reminding me that one of the other major inconsistencies here is that, although you can leave school at 16, if you decide to stay in, things such as options you might take and all that kind of thing often require parental involvement.

Mr. Davis: It depends what school you go to. I have a daughter who signs her own notes, and it is accepted by the school.

Mr. Allen: It is accepted by you.

Mr. Davis: It is accepted by the school authorities, Mr. Allen. Whether or not it is legal, it is accepted that she can write and sign her own notes. It seems to me that if the government is prepared to withdraw, it only has to continue with this line of argument.

Mr. Chairman: Have you withdrawn it?

Mr. Reycraft: I am withdrawing the section.

Mr. Chairman: Subsection 136o(8) does not exist, and we are now finally moving on to 136p, as we have been wanting to do for some time, and not a moment too soon, as some people would say.

It reads, "Other provisions of this act shall be construed with necessary modifications in order to give effect to and be consistent with sections 136a to 136y."

There are no amendments. The next amendments we have on my list start at 136r, and they are merely necessary modifications to make it consistent with the various sections of the bill. It is standard legal gobbledegook, but it seems to help for some reason or other.

Mr. Jackson: I have a simple question. It says "to 136y," but may there be further sections?

Mr. Chairman: The numbering will change if we make those changes.

Mr. Jackson: I have a couple for the very end.

Mr. Chairman: It is understood that numbering has to adjust to what we pass.

All those in favour of 136p, please indicate. Carried.

Section 136q, enforcement, states, "A right or duty under sections 136a to 136y may be enforced by order of the Divisional Court upon application to the court."

Are there any amendments, Mr. Davis?

Mr. Davis: Is that normal?

Mr. Revell: I was not involved in this project at the time the bill was initially conceived. I think it is a provision that is in there out of an

abundance of caution, to be sure there is an enforcement mechanism for the rights and duties under this bill. There are a fair number of rights and duties being instituted by the bill. Therefore, it is an advisable provision, telling which court you can go to to start your proceedings, rather than starting at a lower court or whatever.

Mr. Chairman: One finds that in some acts and not in others. It gives a direction, especially in legislation where you think there might be some desire for legal recourse.

All those in favour of 136q, please indicate. Carried.

We are now on 136r. The first amendments I have start at subsection 3. There is an official opposition amendment to subsection 3. Let us proceed with subsection 136r(1). Shall we take them one at a time? If you think there is going to be a complication for later, we will flag it and not carry it until we have dealt with something later.

136r(1) reads, "The planning and implementation commission established under clause 9(a) is continued and shall be composed of not more than eight members appointed by the Lieutenant Governor in Council."

All those in favour of 136r(1)? Carried.

Subsection 136r(2) says, "The Lieutenant Governor in Council shall designate a chairman and a vice-chairman from among the members of the commission."

All those in favour of subsection 136r(2), please indicate. Carried.

Subsection 136r(3) reads, "The members of the commission shall be appointed for such terms as may be determined by the Lieutenant Governor in Council and may be reappointed for further terms."

Mr. Davis moves that subsection 136r(3) of the act, as set out in the bill, be struck out and the following substituted therefor:

"The members of the commission shall be appointed for a term not to exceed five years and up to a maximum of four members at any given time may be reappointed but no member may serve more than two terms."

Mr. Davis: We feel it is consistent with some of the policies that are now on board if there is a term appointment but it is not for ever. It is important that, as we begin to go forth into the new age, we begin to look at how appointments are made.

Term appointments are very effective, and the allowance of an appointment of four new members still retains the consistency of four members who have been on the committee

before; so there still is the continuity. I think it brings opportunities for new ideas and reflections as one goes through the process. Also, the individuals know what their terms are, how long they are going to be there and what time commitments are required. They can be re-appointed, but they may not necessarily be; at that point they can make a decision.

We think it is a little more effective than leaving it as "determined by the Lieutenant Governor in Council and may be reappointed for further terms," especially when the government, the opposition and the third party have been expressing concerns about appointments within the government and how they are made. We think this is at least a step towards something else.

Mr. Reycraft: Do we know the terms that were established by the Lieutenant Governor in Council for the original members of the commission?

Mr. Kirkwood: My recollection is that the members of the commission were appointed. We left it to the statute to end the term, which happens to be 1995. It is further on in the bill.

Mr. Reycraft: I thought there was something in it that established a sunset for the commission. That being the case, I question the need for this amendment.

Mr. Davis: What happens after 1995? It says this commission "is continued and shall be composed of not more," etc. There is no time frame on the committee at all. My suspicion is that there will be some form of a committee, which is called a planning and implementation commission, from now until heaven knows when.

Mr. Reycraft: No, it is only until 1995.

Mr. Davis: Does it end completely then? Will it not be reappointed?

Mr. Jackson: Can you put that in the act?

Mr. Reycraft: I suppose that decision will probably be made by the Liberal cabinet minister of the day.

Mr. Allen: With the New Democratic Party's help.

Mr. Chairman: Perhaps at this point, I will turn to legal counsel before we all start furnishing castles in the air.

Mr. Revell: Section 7 says, "Sections 136r to 136x of the Education Act, as enacted by section 2 of this act, are repealed on July 1, 1995." That means that whatever is in place on that day has no underlying, supporting legislation. It is gone.

Mr. Davis: Then it can be reappointed.

Mr. Revell: Depending on what powers there are for the Lieutenant Governor in Council to appoint advisory committees and the like, but in terms of this committee with these powers, it will be finished.

6 p.m.

Mr. Davis: I suggest the committee could be recomposed.

Mr. Chairman: Yes, as it could be under your amendment by renaming it. If the cabinet has the right to reconstitute it, as it did originally without the legislation, then it could do it at that point as well, but it would not have the legislation to back it. It would have to find some way around it. If your motion went through, it probably means they could just rename it if they chose to at that time.

All those in favour of Mr. Davis' amendment to subsection 136r(3), please indicate. All those opposed?

Motion negatived.

Mr. Chairman: All those in favour of the original subsection 136r(3), please indicate. Carried.

I see no amendments to 136r(4), which reads, "If the chairman is absent or unable to act or if there is a vacancy in the office of chairman, the vice-chairman shall act as and have all the powers of the chairman."

All those in favour, please indicate. Carried.

Subsection 136r(5) reads, "The members of the commission shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council."

There are no amendments. All those in favour, please indicate. Carried.

Subsection 136r(6) reads, "A majority of the members of the commission, including the chairman or vice-chairman, constitutes a quorum."

There are no amendments. All those in favour, please indicate. Carried.

We have amendments to subsection 136r(7). The section now reads, "Three members of the commission constitute a quorum for the purposes of a proceeding before the commission in respect of accommodation in a secondary school operated by a Roman Catholic school board or in respect of exemption from programs and courses of study in religious education, and decisions in such proceedings require the vote of a majority of the members of the commission present at the hearing in the proceeding."

Mr. Reycraft moves that subsections 136r(7), (8) and (9) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(7) The commission, in its name, may be a party to any application before the Divisional Court."

Mr. Reycraft: With respect to the removal of subsection 7, with the amendments that have already been passed there is no need for the commission to conduct proceedings with regard to admissions to schools, nor should there be a need for proceedings regarding exemptions for religious education because the "may" part of that is out. It is much clearer now when that is going to happen than it was in the original bill.

With respect to subsection 8, the commission is not going to have the power of arbitration that the original bill provided, so there is no need for the appointment of panels, as provided for.

Mr. Chairman: It will lose the assignment of the panels.

Mr. Reycraft: My amendment deals with panels.

Mr. Davis: Am I correct in understanding from Mr. Reycraft that the planning and implementation commission will not form a panel with respect to accommodation in secondary schools?

Mr. Reycraft: That section refers to disputes around whether accommodation is available, which was a provision with respect to access in the original bill. That qualification has been removed, as Mr. Davis is aware, and therefore there will be no need for the resolution of disputes that might have surrounded that issue.

Mr. Davis: Mr. Reycraft, you might clarify something for me. Perhaps it comes up later in the bill and you will cover it. I can understand about access, but accommodation could also mean that the separate school board wishes accommodation within the public board. Who makes that determination? Is that covered later?

Mr. Reycraft: Resolutions of those types of disputes are provided for elsewhere in the bill. It was never intended that subsection 7 would address those.

Mr. Davis: Subsection 7 deals strictly with student access?

Mr. Reycraft: Yes. The comment about accommodation dealt with access. Perhaps I should get some advice from the legal staff of the ministry.

Mr. Davis: I would like some clarification. I am concerned.

Mr. Chairman: Mr. Kirkwood, are you following this? Where is this covered?

Mr. Kirkwood: The staff disputes arising out of section 136l are covered under section 136m. The disputes over the transfer of facilities come further on under section 136x.

Mr. Davis: For example, if there are eight classrooms empty in public school X and a separate school would like to access them, that would be covered later.

Mr. Kirkwood: Presumably, because we talk there about the use, etc.

Mr. Chairman: Is there further discussion of Mr. Reyecraft's motion?

Mr. Davis: It says "the commission, in its name, may be a party to any application before the Divisional Court." Is that all the committee, the chairman or what?

Mr. Chairman: Generally speaking, being a party means you can have a representative added or representatives and legal counsel.

Mr. Kirkwood: It is more than that. In the way the bill was drafted it was open as to whether, to get the commission into a court proceeding, you named the commissioners. This allows the commission to be a party as a corporate body rather than as individuals.

Mr. Davis: In the Supreme Court case that will come down the road the commission could be, or would be, a party to the application.

Mr. Kirkwood: I will defer to legislative counsel.

Mr. Revell: Presumably this does not add parties to the action. It provides that rather than bringing the action in the name of each of the individual commissioners, you can use the name of the commission and sue it or bring whatever types of application involving the commission that are necessary. For example, the commission is under obligation to do certain things. Suppose it refuses to do something. Then there is an action at law called mandamus whereby you can force a recalcitrant board, agency or commission to do that which it is supposed to do.

The person who wants to bring that kind of action will have the convenience of serving one piece of paper on the commission rather than naming each of the commissioners and serving them individually. If the commission has been created as a body corporate, this provision would not be necessary, but there are many pieces of legislation that have similar provisions dealing with boards, agencies and commissions. The most common ones that most people would be

aware of are the trade unions, which are not boards, agencies or commissions. Trade unions do not have a corporate existence, but there is a provision in the Labour Relations Act that provides for bringing action against a trade union in the name of the trade union.

Mr. Davis: Would this apply in the example where the commission makes a determination that public school Y should be transferred across to the separate school and the public ratepayers decide not and institute a court action? Would they then name the commission and go to court on that?

Mr. Revell: Yes.

Mr. Reville: If we adjourn in five minutes—

Mr. Chairman: Shall we take the vote on this?

Mr. Davis: I understand it now.

Mr. Chairman: Mr. Reyecraft's motion is to replace subsections 136r(7), (8) and (9) with a new subsection 136r(7).

Mr. Davis: I have two. Do you want me to withdraw them?

Mr. Chairman: You do not have to withdraw them if you do not move them.

Mr. Davis: That is fine. That was on the understanding the commission would keep operating.

Mr. Chairman: All those in favour of Mr. Reyecraft's amendment? All those opposed?

Motion agreed to.

6:10 p.m.

Mr. Davis: On a point of information, I asked last week about—I forget the section. Perhaps I got the answer and forgot. I was concerned about the issue of adults who are in night schools and so on. I was going to ask about the determination. Do the public boards have to go through that process of asking whether one is separate or public? I am not sure whether I got the answer as to how they were going to handle that.

Mr. Chairman: I thought the answer was they would have to, but I will turn it back to Mr. Reyecraft rather than try to interpret it. Did you say they close in about five minutes, Mr. Reville?

Mr. Reville: As near as I can make out in discussing this matter with knowledgeable whips, if we show up at 6:15 p.m.—

Mr. Chairman: Let us talk about this for a minute or two and then go up.

Mr. Reyecraft: The answer to Mr. Davis's question is that boards of education will deal with

adult students as they do now. They must determine whether they are resident or nonresident students.

Mr. Davis: Do they not do that now?

Mr. Reycraft: As I indicated to you earlier in the week, they do that now.

Mr. Chairman: Because you might get into a debate on this, it might be wiser to pass subsection 10 of this section. It is straight housekeeping. It is the authorization of accom-

modation for the commission. Then we will go upstairs. It reads, "The ministry shall provide the commission with such staff and accommodation as the minister considers necessary for the purposes of the commission."

Shall subsection 136r(10) carry? Carried.

Shall section 136r, as amended, carry? Carried.

The committee adjourned at 6:13 p.m.

CONTENTS

Thursday, June 5, 1986

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-257
Adjournment	S-273

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Baetz, R. C. (Ottawa West PC)
 Davis, W. C. (Scarborough Centre PC)
 Epp, H. A. (Waterloo North L)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Offer, S. (Mississauga North L)
 Reville, D., Vice-Chairman (Riverdale NDP)
 Reycraft, D. R. (Middlesex L)

Witnesses:

From the Ministry of Education:

Clifford, J. F., Executive Director, Education Services Division
 Kirkwood, W. T., Education Officer, Legislation Branch



Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Monday, June 9, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday, June 9, 1986

The committee met at 3:46 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, an Act to amend the Education Act.

On section 2:

Mr. Chairman: You may recall when we last met—and I am sure it is very fresh in your minds—we completed section 136r. That is where we had left off.

We will move to section 136s. We have a series of amendments on this section. I advise you to get your composite paper out and look at page 23.

Mr. Davis: That was section 136s?

Mr. Chairman: Yes. The first amendment I have comes from Mr. Davis, according to the sheet I have, and the government has an amendment to subsection 2. Let us deal with subsection 1. I will read it in as it exists in the act. If those amendments are still appropriate then, Mr. Davis, I will call on you to bring in your amendment.

Mr. Davis: You are always appropriate, Mr. Chairman. You never change.

Mr. Chairman: He looked the other way and there was not even a smile on his face as he said it.

Subsection 136s(1) reads: "The planning and implementation commission shall advise the minister in respect of specific means by which the extension of the Roman Catholic school system to include secondary school education may be best carried out."

Are there amendments?

Mr. Davis: Yes. There are one, two, three, four or five in this section.

Mr. Chairman: Mr. Davis moves that section 136s(1) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"136s(1) The minister, with the advice of the planning and implementation commission, shall establish specific means by which the extension of the Roman Catholic school system to include secondary school education may best be carried out."

That is in order. Would you like to speak to it?

Mr. Davis: Yes. I want to speak to it. In this section of the original draft, we find it is the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario which advises the minister in respect of the specific means. In effect, the minister avoids the responsibility that we believe is his. In essence, it should be advice from the planning and implementation commission and the minister should establish the specific means. That is what we are trying to do. We are trying to place the responsibility where we believe it should rest, that is, with the minister.

As we have gone through the bill in various aspects, we do know, for example, that a number of individuals from both school boards came before us in the hearings and stated deep concern about the powers of the planning and implementation commission and the mechanism in which that seemed to be a buffer between a minister and his responsibilities and the boards of education, the teacher groups, the students, or whoever it is. When you go through this section, you find the planning and implementation commission, again, becomes that buffer zone.

All we are saying in this amendment is that it is the minister's responsibility to establish the means, with the advice of the planning and implementation commission. It is the minister who is doing the establishing, and not as it says in here, "The planning and implementation commission shall advise the minister in respect of specific means." We say here that it shall advise him and the minister shall set the criteria.

It is our belief and our firm commitment that it is imperative that the minister takes that responsibility so that he is responsible for establishing the specific means by which the extension of the Roman Catholic school system may best be carried out. It should not be left to the planning and implementation commission, which we know has no accountability in some areas. That is why we have made this specific recommendation.

Mr. Chairman: Any comments, Mr. Reycraft?

Mr. Reycraft: I agree with Mr. Davis that the minister should be responsible for whenever the extension of funding is to take place. The bill, as it is now structured, provides exactly that. That is

why I take Mr. Davis back to subsection 136a(2), which says that the election to perform the duties of a secondary school board by a separate school board can be done only by a bylaw that must be approved by the Minister of Education. That does not mean that he has to establish the way in which it will be done and that he has to take on the administrative function that is better handled by other individuals and by other bodies within the ministry.

It is our position that subsection 136s(1), as it was originally put in the bill, is the most appropriate way to address the situation, and we oppose Mr. Davis's amendment.

Mr. Allen: I do not want to say very much about this subsection, but I have read the two side by side several times over, and they say precisely the same thing.

Mr. Chairman: You will support both then. You say there is no need for yours if the inference is the same. I guess that is what that meant.

Mr. Davis: I did not expect anything different from the Liberals on the committee. I certainly did not expect them to support this recommendation, which places the responsibility where we believe it should be.

I point out to my learned colleague that there have been in the past—through the planning and implementation commission, with the approval of the ministry—jurisdictions of the separate school board granted the right to establish a secondary program in which they found, for example, in one area that there were no buildings ready for it, but they did it anyhow. If we look at the Kenora situation, there was great consternation about the fact that the division of that school could create tremendous problems in the delivery of programs.

All we are saying here is that the planning and implementation commission will advise the minister, but he will be the person who is responsible for setting and establishing the specific means by which the extension of the Roman Catholic system is to be carried out. It is not the role of the planning and implementation commission, which is a quasi-body appointed by him and which has no responsibility to the Legislature. It has responsibility only to the minister, when he wishes to accept that responsibility.

Allowing the commission to set the criteria, as it did the last time, is to allow development in areas where it may indeed create some consternation on the part of either system. We believe it is imperative that when one traces the events back, one traces them right back to the minister's desk.

We feel if we incorporate the words, "The minister...shall establish specific means," in this section, the minister can consult whomever he wants, but is responsible for establishing those means. We reiterate that we believe it is imperative to have him responsible.

Mr. Reycraft suggests the minister becomes responsible under subsection 136a(2). He becomes responsible only in the sense that he says, yes, it is okay to do it. That does not mean he is responsible for saying those are the criteria he will use. It is imperative for him to establish those criteria.

Mr. Chairman: Is there further discussion? We will take the vote on Mr. Davis's amendment. I do not think I need to read it again; I think it is understood. All those in favour of Mr. Davis's amendment to subsection 136s(1), please indicate.

All those opposed?

Motion negatived.

Mr. Chairman: Back to the original motion on subsection 136s(1).

Mr. Jackson: I would like to make a further amendment.

Mr. Chairman: Mr. Jackson moves that proposed subsection 136s(1) of the act, as set out in section 2 of the bill, be amended with the addition of the following: After the first "of," insert "appropriate regulations and"; after the word "out," insert "to promote the best interests of public education in Ontario."

If it is amended, it would read as follows, just so that members will have it:

"(1) The planning and implementation commission shall advise the minister in respect of appropriate regulations and specific means by which the extension of the Roman Catholic school system to include secondary school education may be best carried out to promote the best interests of public education in Ontario."

Mr. Jackson: Is that in order?

Mr. Chairman: Yes.

Mr. Jackson: There is nothing overly creative about the amendment. It was presented before this committee on several occasions by the Ontario Teachers' Federation. It very clearly sets out the notion that regulations will be developed by the planning and implementation commission, but approved and implemented by the Minister of Education. It is important that reference to those regulations be put somewhere in the bill so that there is an expectation that they will be done in a more public fashion because they are regulations.

4 p.m.

The reference to promoting the best interests of public education in Ontario is a statement to which virtually every politician who has had a whack at this bill since the day it was conceived has made reference. The government has already put forward statements which, on the surface, may lack clarity, but certainly imply the unique challenge facing the Minister of Education. As such, we would very much want to put in the bill that these regulations would not be in place for the purposes of dividing a system nor to create divisions with respect to pupils, students or facilities, but rather, putting the whole concept of regulations with this bill in a positive light, all those regulations would be approached from the view of promoting the best interests of public education in Ontario.

Virtually every politician has had a whack at that statement, including our current minister and his parliamentary assistant, both in public forums and before this committee. I suspect they will have no difficulty in supporting the amendment, or perhaps they would raise considerable doubt about how they would go about with drafting and implementing regulations if they do not hold fiercely to that principle that the best interests of public education would be maintained.

It is clear that by public education we mean both systems. We are not just talking about what may have been referred to as our public education system prior to the announcement by Premier Davis. I hope all three political parties represented within this committee will see fit to support this in clause-by-clause, as they have been most anxious to support it with public pronouncements throughout the debate on this issue.

Mr. Reycraft: I listened to Mr. Jackson's remarks carefully. I do not disagree with his definition of public education. It includes both public and Roman Catholic systems of education in this province. However, I am not sure it is a definition that is shared by everyone. Indeed, in reflection on some of the bumper stickers I have seen in the past several months, I suggest there are many who hold a much different view of what is meant by public education in this province.

I also note an amendment we are going to hear some time later. It is on page 26 of the compendium and is being put forward by the third party. It suggests that criteria to be considered when reviewing application for extension would include a number of things. There are some listed there that we indicated earlier in the clause-by-clause debate we would be supporting. I think that is a more appropriate place to

address the matter of promoting the best interests of public education in the province, more appropriate than in this amendment. Therefore, we are going to oppose Mr. Jackson's motion.

Mr. Jackson: The infamous third-party amendments, as has been explained to us, refer more importantly to single-school communities. The point I am trying to raise is not as narrow as the aspirations of the amendment to subsection 136v(2) by the third party. I am having no difficulty with the definition of public education in Ontario, whether it is the public system as we now know it or the extended dual public systems that will be created after third reading of this bill.

Even if I were to take Mr. Reycraft's comments and the concerns he has raised at face value, I do not think there is anything wrong, that somehow the public system should not be protected as a means by which he would not support this amendment. I am having great difficulty with the government's reluctance to make a statement in here about protecting public education or promoting the best interests of public education in Ontario. I therefore request a recorded vote on this matter.

Mr. Chairman: Is there any further debate? Let us go to the recorded vote.

Mr. Davis: Before we have a recorded vote, can we recess?

Mr. Chairman: We will recess until the opposition get its member in.

The committee recessed at 4:05 p.m.

4:19 p.m.

Mr. Chairman: I call the meeting to order. Twenty minutes have elapsed since the vote was called.

Mr. Jackson: We have our one member. He is behind me; he has always been behind me.

Mr. Chairman: I am sure that is all we were waiting for. This is a recorded vote.

The committee divided on Mr. Jackson's motion, which was negated on the following vote:

Ayes

Baetz, Davis, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Ayes 3; nays 6.

Mr. Chairman: We will go back to the main motion and take the vote on the existing

subsection 136s(1). All those in favour, please indicate. All those opposed? Carried.

We have several amendments to subsection 2.

Mr. Reycraft moves that subsection 136s(2) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(2) The commission shall make an annual report to the minister and the minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the assembly if it is in session or, if not, at the next ensuing session."

"(2a) In addition to its annual report, the commission may report to the minister at any time and shall report to the minister in such form and manner, with such information and at such times as the minister requires."

Mr. Reycraft: Subsection 2 of my amendment would make an annual report mandatory, as opposed to the section in the original bill, which left it optional. Subsection 2a makes additional reports possible, on an optional basis, according to the minister's requirements.

Mr. Chairman: Is there any discussion? Is that close enough to your amendment, Mr. Davis, or do you wish to move it?

Mr. Davis: It is close enough to our amendment. I am trying to understand why Mr. Reycraft split it in two. Our amendment does the same thing, but it ties it all into one. Is there a rationale for the splitting?

Mr. Reycraft: The only rationale I can give is that we wanted to make it very clear that an annual report would be made to the Legislative Assembly, but we did not want to restrict the reporting of the commission to the minister to an annual report. We wanted it clear that there could be additional reports.

Mr. Davis: Would the additional reports be made public also?

Mr. Reycraft: I assume that would be at the minister's discretion. I am sure that in most cases they would be made public. I assume any item reported to the minister on an incidental basis would be included in the annual report that would be made at the end of that year. In that sense, any information reported on an incidental basis during the year would be part of a cumulative report made at the end of the year.

Mr. Davis: I know it is not on the floor, but because it affects this, I note that the government has moved an amendment whereby subsections 5 and 6 would be struck out and a new subsection 5 would say, "Subsections 3 and 4 do not apply in respect of annual reports." Will the government

spokesman explain why any of that information would not be incorporated in the annual report? I am not necessarily saying it all has to be, but why not those two sections?

Mr. Chairman: It is out of order. We will deal with those when we get there.

Mr. Davis: Mr. Chairman, I would like to—

Mr. Chairman: You can ask for clarification on those subsections when we get to them.

Mr. Davis: If we approve subsections 2 and 2a, it does not preclude that happening, does it?

Mr. Chairman: Not at all. After these items, you may move what you wish on the subsequent matters. It does not preclude their taking place.

Mr. Davis: Nor does it include them.

Mr. Chairman: No, but again, that is your responsibility at the stage you wish them incorporated. Is there anything further on subsections 2 and 2a concerning the question of the annual report and the additional reports the minister might require or request?

Motion agreed to.

Mr. Chairman: On subsection 136s(3), I will read out the original subsection because there are amendments. I am not sure whether this is the way you want it. Mr. Davis, I will read the original and then you can tell me.

"(3) For the purpose of preparing its advice and reports to the minister, the commission shall consult with organizations that have a direct interest in the subject matter of the particular advice and report, organizations and persons that the commission considers it appropriate to consult and organizations and persons specified by the minister."

Mr. Davis moves that subsection 136s(3) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(3) For the purpose of preparing its advice and report to the minister, the commission shall consult with school boards, organizations and persons,

"(a) that have a direct interest in the subject matter of the particular advice and report;

"(b) that the commission considers it appropriate to consult; and

"(c) specified by the minister."

Mr. Davis: One of the rationales is to ensure that school boards and various organizations and persons shall be consulted. We spelled that out a bit more than the original subsection does. That is the only difference. It gives a bit wider scope. It states that "the commission shall consult with school boards, organizations and persons, (a)

that have a direct interest in the subject matter" that the commission considers it should consult and those specified by the minister. It is a bit more concise, that is all.

Mr. Chairman: Is there any discussion?

Mr. Reycraft: I do not think there is a great deal of a substantial nature in the amendment. When the section in the original bill talks about organizations with a direct interest in the subject matter, it very clearly addresses school boards. The official opposition has specifically named school boards in its resolution. It probably would be more appropriate to refer to boards of education. It is clear those boards are covered in the subsection as originally drafted. The proposed amendment also talks about organizations and persons. I do not see what the amendment will accomplish that the original subsection does not.

Mr. Chairman: We will vote on Mr. Davis's amendment to subsection 136s(3). All those in favour, please indicate. All those opposed?

Motion negatived.

Mr. Chairman: Let us return to the original subsection 136s(3). All those in favour? All those opposed? Carried.

We will move on to subsection 136s(4), which reads:

"(4) For the purpose of preparing its advice and reports to the minister, the commission shall establish criteria in respect of and, in accordance with the criteria, shall evaluate,

"(a) plans formulated by Roman Catholic school boards to provide secondary school education;

"(b) plans formulated by public boards in relation to the extension of the Roman Catholic school system to include secondary school education;

"(c) plans for new or altered areas of jurisdiction of Roman Catholic school boards in relation to separate secondary schools;

"(d) the effect on the employment of supervisory officers, teachers and other persons employed in secondary schools consequent upon the extension of the Roman Catholic school system and the plans formulated by Roman Catholic school boards and public boards in relation to the employment of such persons; and

"(e) any other subject specified by the minister."

4:30 p.m.

Mr. Davis: We have an amendment.

Mr. Chairman: Mr. Davis moves that subsection 136s(4) of the act, as set out in section 2

of the bill, be struck out and the following substituted therefor:

"(4) The minister shall establish, with the advice of the planning and implementation commission, criteria in respect of and, in accordance with the criteria, shall evaluate,

"(a) plans formulated by Roman Catholic school boards to provide secondary school education;

"(b) plans formulated by public boards in relation to the extension of the Roman Catholic school system to include secondary school education;

"(c) plans for new or altered areas of jurisdiction of Roman Catholic school boards in relation to separate secondary schools;

"(d) the effect on the employment of supervisory officers, teachers and all other persons by school boards consequent upon the extension of the Roman Catholic school system to include secondary school education and the plans formulated by Roman Catholic school boards and public boards in relation to the employment of such persons; and

"(e) any other subject the minister considers appropriate."

Mr. Davis: We go back to our original contention, commitment and conviction that it is the responsibility of the minister to establish the guidelines and that it is not the commission's responsibility. In ours, we are very succinct in saying, "The minister shall establish, with the advice of the planning and implementation commission," so that the responsibility rests solely with the minister.

In the other case it says that "the commission shall establish criteria in respect of and, in accordance with the criteria," and it is the commission that takes on that responsibility. That does not preclude the minister consulting with it and looking at the draft document it presents before him, but he puts the stamp of approval on it. They are his guidelines, not the commission's guidelines.

As we go through this section, we find that the minister is abdicating his responsibility and separating himself from those criteria so that at some point, if there is a dispute, he can say, and I guess justly when we look at this, that he was not responsible for those criteria, that it was the commission. We think the responsibility rests solely with him. He is the minister of the crown. He is responsible for those criteria and therefore he should be the one establishing them, and not simply putting his signature on it. The responsi-

bility should be directly tied to him in the legislation.

Mr. Reycraft: The same argument applies here that applied to the earlier subsection. It is our position that the minister does have the responsibility of approving an election by a separate school board to perform the duties of a secondary school board. The board passes a bylaw that the minister then has to approve.

Mr. Davis proposes that the minister should take on an administrative role in the process by establishing the criteria and then doing the evaluation. That is clearly to be the job of the planning and implementation commission. That evaluation is put before the minister for his consideration. If he is satisfied that it is appropriate that the separate school board should begin to offer secondary education, he approves it. If he is not satisfied that it is appropriate, then he does not approve the bylaw. We think that is a much more effective and appropriate way to proceed.

Mr. Davis: It seems to me it is a mechanism by which the minister is removed from his responsibilities. This is a rationale our present Minister of Education (Mr. Conway) is taking to remove himself from becoming involved in any responsibility in conflicts. Our party maintains it is his responsibility to establish those criteria. It is not the planning and implementation commission's responsibility. He is the person charged with carrying out those responsibilities. Therefore, he should be well aware of them and should take the responsibility of their being established. He is abdicating his position when he does not do that.

Mr. Chairman: Your positions are clear.

All those in favour of Mr. Davis's motion to amend subsection 136s(4) please indicate. Those opposed?

Motion negatived.

Mr. Jackson: I have a further amendment.

Mr. Reycraft: On a point of order, Mr. Chairman: We have just been through a very lengthy delay this afternoon to bring in a fourth member, and at the end of the waiting period the fourth member still was not present. I am aware that the rules and regulations of the committee allow this sort of process, but I am also aware that there is a rule that says amendments are supposed to be put before the committee two hours ahead of time so that people have an opportunity to see them. It seems to me that if the official opposition is going to play games with one section of the

rules, it should be prepared to abide by all of them.

Mr. Davis: On a point of order, Mr. Chairman: We are certainly not playing by any rules.

Mr. Chairman: I hope we are all playing by rules.

Mr. Davis: We are not abusing the rules. The member for Kenora (Mr. Bernier) was contacted. I came back to inform you he was on his way. He did not arrive on time, but there is nothing other than what the rules say. We followed the rules, as we said we would. On that issue it was imperative, in our belief, that we have a recorded vote, because the government and the third party refused to put into legislation again—

Mr. Chairman: We do not have to debate the subject here. We will debate the process.

Mr. Davis: It is the process. We can step it down. That is always the government's position. If an amendment is added, it can ask that it be stepped down, as it did the other day when we placed an amendment.

Mr. Chairman: The clerk is trying to find the actual wording of the rules. While that is being done, all I have heard at this stage is an intent to read an amendment into the record. I would have to have it read in before I could say we had a point of order on this.

Mr. Jackson: Or that I was out of order.

Mr. Chairman: Mr. Jackson moves that clause 136s(4)(e) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(e) the effect on the viability and ability of a public school board to provide a full range of programs in any given community within its jurisdiction in relation to the extension of the Roman Catholic school system to include secondary school education."

The motion is in order. I do not know what the specific rule is.

Clerk of the Committee: The words are, "if it is possible."

Mr. Chairman: If possible?

Clerk of the Committee: It says, "if possible, two hours before."

Mr. Chairman: It is important that we always have co-operation on a committee to get business done, and I hope we will continue to have that. At the moment I will rule this in order. If you feel undue delay is taking place, Mr. Reycraft, a number of things are available to you. One is to ask that this be stood down to be dealt with later.

Another is that you need not participate in the debate if you so choose.

The motion is in order.

Mr. Jackson: To be more accurate, I should have said "to renumber clauses 136s(4)(e) to (f)."

Mr. Chairman: We can do that.

4:40 p.m.

Mr. Jackson: I assume you will assist to correct that if the vote is positive.

This is a very simple amendment. We are talking in this subsection about matters to be considered by the commission, and it seems appropriate that promises made publicly by the Minister of Education should find their way into legislation. In particular, there was reference to program protection for single-school communities, the area of concern that was raised during public hearings. It was not just the loss of schools. In many instances, it was the dramatic erosion of enrolment and its impact on program that seemed to be the primary concern advanced not only by the federations but also by parents and trustees.

The committee will recall a rather extensive but very worthwhile presentation by two teachers from Owen Sound. They took the committee in great detail through the distinction between program impact for declining enrolment and program impact because of Bill 30. One could not come away from that presentation without being struck by it. It was very evident that the Minister of Education came away very struck by that presentation. He provided assurances to this committee throughout the balance of the hearings and then on at least one occasion while this committee was in clause-by-clause.

By approving this, we are not calling for program protection; we are asking only that certain criteria be established to be considered and that the same be evaluated. I would be quite disheartened if all members of the committee did not support this, if for no other reason than that we will then have a tool to measure the impact and the distinction between the impact of declining enrolment and extension issues on program.

In the interests of saving committee time, I know Mr. Reycraft will advise me that the very attractive third-party amendment, subsection 136b(2), in his opinion, will adequately cover the point being raised. Specifically, Mr. Allen's amendment says, "must ensure the viability of the secondary school program offered by the public board in single-school communities."

You will quickly see the distinction: it is not limited to single-school communities. It refers to

all program but is not limited, and therefore is pertinent to all programs in all communities throughout the province. I do not read this to say that program viability and the ability of boards to provide it will become a sacred cow. I am sure even the minister has gone so far as to suggest that.

We are asking that criteria be established by the ministry or by the commission with the support and direction of the minister, and that those criteria and their results be evaluated and find their way into the final reports, which are made public. That is the only responsible way for us to go in this regard. We have heard comments about funding assistance for shortfalls in programs. We have heard all manner of political promise surrounding this issue, yet nowhere in the bill do I see a way of measuring it and reporting it back to the policymakers of this province. I respectfully request unanimous support and a recorded vote to show that.

The committee divided on Mr. Jackson's amendment to clause 136s(4)(e), which was negatived on the following vote:

Ayes

Baetz, Bernier, Davis, Jackson.

Nays

Allen, Epp, Miller G. I., Offer, Reville, Reycraft.

Ayes 4; nays 6.

Mr. Chairman: Back to the act, subsection 136s(4). All those in favour? All those opposed? Carried.

Mr. Chairman: We will ask the committee's guidance on this. We have been very lenient about amendments, but we will ask for your guidance. Standing order 64 says, "When time permits, amendments proposed to be moved to bills in any committee shall be filed with the Clerk of the House at least two hours before the bill is to be considered, and copies of such proposed amendments shall be distributed to all parties."

We have been very flexible on that point in this committee up to this point. If it is the desire of the committee or of any member that I enforce this, I will. It should be remembered that it will be enforced for all sides. If you wish me to, I will rule out of order any amendment that comes forward within less time than that and without copies for the other members. Is that the desire of the committee or of any member?

Mr. Reycraft: My only concern is that the time of the committee not be wasted. When a

motion is introduced without notice, requests for a recorded vote made, requests for time to bring in members made and no members are brought in, despite what we have heard from the other side, the impression is one of intent to delay. That is why I raised the issue.

Mr. Chairman: I do not hear any request on this. I am not encouraging debate in general on this. If you wish, I will rule those matters out of order from now on. If that request comes in from any individual member, I will accept it. We have had amendments before us for a long time from all parties and we have been very co-operative. I hope we will continue to have that co-operation in the next little while.

We now move on to subsection 136s(5). There is a government amendment to that in the act.

Mr. Reycraft moves that subsections 136s(5) and (6) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

“(5) Subsections (3) and (4) do not apply in respect of annual reports.

“(6) The Regulations Act does not apply to criteria established under subsection (4).”

Mr. Reycraft: Mr. Davis raised the question earlier about why that would not apply. The intent is to not unduly delay the whole process of compiling the report that is to be placed before the minister on an annual basis.

It is expected that, as those interim reports are made from time to time by the commission to the minister, those data will be gathered to support the recommendations that are put in place and they will then be used to develop the annual report.

If you look back to subsection 136s(3), it talks about the commission having to go through the consultation. The intent of removing that from application to the annual report is that they do not have to go through the process of doing it all over again.

Mr. Davis: We cannot support this amendment. We have an amendment as well. We cannot support an amendment that restricts and limits, as this proposed amendment does. If you exempt subsections 136s(3) and (4) from being incorporated into the annual report, then there will be no mechanism by which a member of the Legislature will be aware, for example, that the consultation went on and who it went on with.

I am not sure you need all the plans listed by either the public or the Roman Catholic board, but you certainly would want to know what effect some of the plans were having on the employment of supervisory officers, teachers and other

persons employed in secondary schools. For example, what effect is it having on the union personnel in the Canadian Union of Public Employees and in the secretarial staff areas? What could happen, in effect, is that we could get a very watered-down, bland report saying that everything is great, because some of the important issues will not have to be reported on. We think they should be reported on and incorporated.

4:50 p.m.

If we eliminate those two subsections, as the government suggests when it says they “do not apply in respect of annual reports,” the Legislature is going to be put in the position of having to—

I do not know the ground rules, Mr. Chairman; I bow to your expertise in this. I imagine that when the report is filed, we will have a flurry of questions, if we can ask questions, about what is happening, which will then take us back into these areas again.

It seems to me that one would be foolish to expect the planning and implementation commission to list in its report to the ministry all the plans formulated by the Roman Catholic school system or by the public school system. However, I certainly think the kind of information that could be incorporated in that report could include such things as the impact that the number of transferring students has had on the single-school communities of the province, what is happening in those areas, what is happening in the areas where there is school extension and they are busing students out to another jurisdiction and the effect on the employment of supervisory officers. Are they indeed being promoted within the system, or has some mechanism come into play that is stopping that kind of upward mobility?

It is imperative that the commission be allowed to draw from those. This says they do not apply in respect to an annual report, and I think that is a bit difficult.

Mr. Chairman: Is it still your intent to introduce your subsection 136s(5)? I was asking the ministry staff, since the new amendment from the government would strike out subsections 136s(5) and (6). It is being done because it is presumed to be under regulations now. Your subsection 136s(6) is the same as the existing subsection 136s(6), as I read it, but do you still wish to move your subsection 136s(5)? If so, we could move it now and it could be voted on in the descending order we usually use.

Mr. Davis: We will move it so the government and the members of the third party can again defeat the fact that these guidelines should be approved by the minister and so we are on record as being consistent.

Mr. Chairman: Move it and then speak to it. That is how you like to operate.

Mr. Davis moves that subsection 136s(5) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

“(5) The commission shall prepare and issue guidelines approved by the minister that shall govern the designation by public boards of all staff whose services will not be required by the public boards consequent upon the election of Roman Catholic school boards to perform the duties of secondary school boards.”

Mr. Davis: We could speak to why we think the minister has the responsibility. In the original guidelines it is the commission. The minister is avoiding his responsibility.

We know what is going to happen to it, so I cannot see the sense of arguing the case. We have argued it all the way through. It seems to me the Liberal and New Democratic Party members of this committee do not want to place any responsibility on the minister and want to leave it all to the commission; so we will let them vote again.

Mr. Reycraft: Mr. Davis is wrong when he suggests the minister is not accepting his responsibility. The amendment to a previous section of the act that we have already approved in this committee provides that the minister will issue regulations, which become orders in council and which have to be approved by his cabinet colleagues. That deals with this whole matter. We feel it is a very appropriate way to address the situation.

In comparison with the section we have already approved, subsection 136s(5) might even be considered out of order where it talks about preparing and issuing guidelines to “govern the designation of...staff whose services will not be required.” That has already been covered by this committee.

Mr. Chairman: I see your point. I would have to see the wording of the passed motion. If we have already decided there will be regulations rather than guidelines, it would be out of order.

Mr. Reycraft: I have it as subsection 136l(1a).

Mr. Chairman: Is this an amendment?

Mr. Revell: It is the one that reads:

“The regulations or agreement referred to in subsection 136l(1) shall provide for:

“(a) the exchange of enrolment and other data between the boards so as to enable the public board to make the calculations necessary to determine the designation referred to in subsection 136l(1);

“(b) methods for encouraging voluntary transfers of public board teachers and supervisory officers to positions with the Roman Catholic school board and for treating a person so transferred as designated persons with all rights and entitlements provided by this act; and

“(c) a right of first refusal, on the basis of seniority, for designated persons with respect to positions that become vacant in the public board.”

Mr. Chairman: It was dealing with matters substantially the same and with a slightly contradictory resolution because of it being specifically regulations rather than guidelines; so your motion would be out of order at this point, Mr. Davis.

We will deal with the government amendment. Is there any further discussion of it?

Motion agreed to.

Mr. Chairman: That is it for section 136s. Shall section 136s, as amended, carry? It is carried six to four.

On section 136t, I will read the original. We have an opposition amendment which applies to each of the subsections and government amendments to two subsections. I will read in subsection 1, and we will go from there.

“(1) The planning and implementation commission may require a Roman Catholic school board to formulate and file with the commission each year an implementation plan setting out details of education programs, facilities, and supervisory officers, teaching staff and other staff required by the board for the purpose of providing a secondary school education until the Roman Catholic school board has filed implementation plans in respect of all secondary school grades.”

Mr. Davis moves that section 136t of the act, as set out in section 2 of the bill, be amended by striking out the word “may” every time it occurs in subsections (1), (2) and (3) and substituting the word “shall” therefor.

I presume this does not need to be spoken to. It is just a matter of taking away the discretionary power and making it an obligation. Is there any debate?

All those in favour of Mr. Davis’s motion will please indicate. Those opposed?

Motion negated.

Mr. Chairman: It is defeated five to four.

Any further discussion on subsection 136t(1)? All those in favour will please indicate. Those opposed? Carried five to four.

I will read subsection 2 and then Mr. Reycraft's amendment.

"(2) The commission may require a public board that is affected or that is likely to be affected by the provision of secondary school education by a Roman Catholic school board to formulate and file with the commission a plan setting out details of changes in education programs, facilities, and supervisory officers, teaching staff and other staff that will be or that are likely to be necessary in response to the provision of secondary school education by the Roman Catholic school board."

Mr. Reycraft moves that subsection 136t(2) of the act, as set out in section 2 of the bill, be amended by inserting after "commission" in the fourth line "annually, not later than the date specified by the commission."

5 p.m.

Mr. Reycraft: It just ensures the involvement of the public boards in the planning and implementation process and requires that the report be made each year.

Mr. Chairman: Is there any further discussion of the amendment?

Mr. Davis: That is subsection 136t(2), is that correct?

Mr. Chairman: Yes.

Mr. Davis: It will be done annually?

Mr. Chairman: Yes.

Mr. Davis: Which makes it coincide with subsection 136t(1)?

Mr. Chairman: Yes. The only difference is it adds the words "not later than the date specified by the commission."

Mr. Davis: Does that mean a public board has to respond to that request?

Mr. Reycraft: It means that if the commission requires the public board to submit an impact statement, the public board is obligated to do so.

Mr. Chairman: But the commission may choose not to.

If there is no further discussion, all those in favour of Mr. Reycraft's amendment will please indicate. All those opposed?

Motion agreed to.

Mr. Chairman: Carried six to four.

All those in favour of subsection 136t(2), as amended, will please indicate. All those opposed? Carried six to four.

As written in the bill, subsection 136t(3) reads as follows:

"(3) The commission may specify the format to be used in plans to be filed by Roman Catholic school boards and public boards and may specify time limits for the filing of plans requested by the commission."

There are no amendments before me. Is there any discussion? All those in favour will please indicate. All those opposed? Carried seven to three.

Subsection 136t(4) reads as follows:

"(4) Every Roman Catholic school board and every public board shall comply with a request by the commission for the formulation and filing of a plan under subsections (1) to (3)."

Mr. Jackson: It is interesting to note we can have "may" in all the other paragraphs, but when it comes to the ministry wanting them to comply, it is definitely a "shall."

Mr. Chairman: Very observant, Mr. Jackson.

Mr. Jackson: That is what I am paid to observe.

Mr. Chairman: Is there any further discussion? All those in favour of subsection 136t(4) will please indicate. All those opposed? Carried.

I have an amendment to add a new subsection, 136t(5).

Mr. Reycraft moves that proposed section 136t of the act, as set out in section 2 of the bill, be amended by adding thereto the following subsection:

"(5) The Regulations Act does not apply to any matter specified under subsection (3)."

Mr. Reycraft, would you like to explain the mysteries of this to us?

Mr. Reycraft: It removes the requirement that the format be a regulation. If that were not the case, any change in the format would require a change in regulation and then the gazetting of the change. It is a rather cumbersome process.

Mr. Chairman: Perhaps legal counsel would like to look at it.

Mr. Reycraft: Legal counsel look as if they want to contemplate it further.

Mr. Revell: This is a technical legal problem. There is an issue of whether specifying a format under subsection 136t(3) would in fact be a regulation that would require publication in the Ontario Gazette and compliance with the whole regulation-making procedure that is in effect in

Ontario. In my opinion, it is probably not a regulation, but it is one of those cases where it would be better to be safe than sorry, because it would determine whether the request had been legally made.

There is no way these individual boards can comply with the subsection unless the commission tells them up front what the formats are going to be. Those that are affected are the school boards in Ontario and not the general population. I submit this is a proper case for making it abundantly clear that the Regulations Act does not apply. Normally, you want the Regulations Act to apply where the public as a whole is being affected by the establishing of whatever is being established. I do not know how many boards will be affected, but it is only the individual boards. I submit that the commission will have to give them the necessary information if it wants to enforce subsections 136t(1), 136t(2) and 136t(3).

Mr. Davis: On a point of clarification: The decision of the format to be used, even though it is applicable to school boards, is also applicable to the individual in the province in that it impacts upon that individual in some manner by which the school board decides to formulate its plans.

For example, if you are in a single-school community and the separate school board determines it is going to have an election to extend its funding, the plans that it implements do impact, in effect, upon that community in terms of what is going to happen. What I understand you to say is that the reason this does not have to be a regulation is that it does not impact upon the residents; but it does impact upon them.

Mr. Revell: I am sorry for not making that clear. By impact, I do not mean impact in the sense that people will not be affected by it but in terms of being forced to comply with the law. It is the school boards that have to comply with this law, and not the individual. The school boards will get the knowledge of the law directly from the commission and, therefore, the gazetting process is not necessary here.

Mr. Davis: Would the public also get that information?

Mr. Chairman: No. I gather it would not be gazetted.

Mr. Revell: It would not be gazetted. As to whether the commission would make it available, I could not speak to that issue.

Mr. Davis: Maybe Mr. Reyecraft would answer a question. The commission may specify

the format to be used in the plans. Specifically, what would that format include?

Mr. Reyecraft: Mr. Davis has seen the format that is currently used by the planning and implementation commission. Those items were all tabled with the committee several months ago. It refers to the detail that the commission requests—details about the number of pupils who are projected to enrol in the separate system; in terms of the impact statement, the number of pupils the public board expects to lose and the number of staff members who may have to be designated. It also describes how the Roman Catholic school board will provide secondary education and what form that education will take. If my recollection is correct, all those things are identified in the statement.

Mr. Davis: I have a point of clarification again. Does that mean the public, the ordinary taxpayer, is not privy to that information? In other words, can he get or examine that information?

Mr. Chairman: No. As far as I can tell, it does not mean that. It means it would not be dealt with under the normal method of regulations being gazetted, but because it is being made available to public boards of education, whether they are Roman Catholic or public, it is then a public document, as I understand it. As a former public board member, you will know that if it gets on the agenda of a board meeting, it is a public document.

Mr. Davis: I do not understand it. The way this subsection is worded, I assume the board could determine to put that up—it would have to go public; even the private ones have to become public. That would then be public knowledge; people could go and get that.

Mr. Chairman: Yes. It is just that the gazetting process we have for regulations would not take place.

Mr. Davis: All right. I understand now.

Motion agreed to.

Mr. Chairman: Shall section 136t, as amended, carry? Carried.

5:10 p.m.

On section 136u, I will read what is in the act.

“(1) For the purpose of ensuring that it receives adequate information, the planning and implementation commission may hold public meetings in respect of the provision of secondary school education by individual Roman Catholic school boards.”

I have no amendments on this subsection from any of the parties. Is there any discussion?

All those in favour of subsection 136u(1) will please indicate. All those opposed? Carried.

Subsection 136u(2) reads as follows:

“(2) Where the commission decides to hold a meeting mentioned in subsection (1), the commission shall give notice of the meeting to the organizations it is required to consult, to such other persons or organizations as the commission specifies and shall give public notice of the meeting.”

I have no amendments. Is there any discussion?

Mr. Davis: Does this mean you have to advertise in the paper that there is going to be a hearing?

Mr. Chairman: Right. All those in favour? All those opposed? Carried.

Shall section 136u carry? Carried.

We have a number of amendments on section 136v. Why do we not take the government amendment to subsection 1 first, as is our process?

Mr. Reycraft moves that proposed subsection 136v(1), as set out in section 2 of the bill, be struck out and the following substituted therefor:

“(1) Where the planning and implementation commission is of the opinion that the implementation plans of one or more Roman Catholic school boards and one or more public boards that have jurisdiction in the same or part of the same area of jurisdiction as the Roman Catholic school board or boards do not together provide a method that meets the criteria set out in subsection (2), the commission shall so notify the boards and shall specify for them the matters that must be resolved in order to meet the criteria.”

Mr. Reycraft: The amendment allows for situations where there is more than one coterminous board to be involved in the deliberations.

Mr. Chairman: I have an amendment from the official opposition.

Mr. Davis moves that proposed section 136v of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

“(1) When the planning and implementation commission is of the opinion that the implementation plans of a Roman Catholic school board and a public board do not together provide a method that meets the criteria established by the minister under section 136s, the commission shall so notify the boards and shall specify for the boards the matters that must be resolved in order to meet the criteria.

“(2) Upon receipt of the notice the boards shall negotiate in good faith in respect of matters specified by the commission in order to meet the criteria established by the minister under section 136s.”

I am not sure whether the wording of that second part causes us problems because of what we just passed in section 136s. There was some debate about whether the minister is directly responsible. The government has some problem with that specific wording—not necessarily its intent, but its wording. This proposed subsection 136v(2) refers back to section 136s and recalls the criteria established by the minister. We have had some debate on whether those are established by the commission or by the minister. If they are indirectly established by the minister, then that will be acceptable. If you think they are not, then the amendment is out of order.

Mr. Reycraft: We do feel it is out of order. Section 136s, as the opposition proposed it, was defeated. The criteria are established by the commission, not by the minister. I also note that the amendment being put forward does not allow for situations where more than one coterminous board is affected. It talks about “a” Roman Catholic school board and “a” public board.

Mr. Chairman: I rule then that the amendments that have been moved to subsections 136(1) and (2) are out of order because of the reference to the minister’s decision-making, which was not passed in the last subsection.

Mr. Davis: That is fair. I do not have any problems with that.

Mr. Chairman: Mr. Allen, I notice your amendment is to subsection 136v(2), not to subsection 136v(1).

Mr. Allen: That is correct.

Mr. Chairman: At this time, we have only Mr. Reycraft’s motion on subsection 1 on the table. Is there any further debate on Mr. Reycraft’s motion?

Mr. Davis: I understand Mr. Reycraft has indicated that the rationale behind the change is in case there is more than one coterminous board. I can understand that. Will Mr. Reycraft attempt to explain what happens if there is an agreement with the public board and one of the coterminous boards, and the other coterminous board does not agree? How is it resolved if there are two that agree and one does not agree?

Mr. Reycraft: With a great deal of difficulty.

Mr. Chairman: That was the answer that came to my mind.

Mr. Reycraft: I assume in those kinds of situations we will notify all boards that are affected, advise them of the areas that require further discussion and ask them to meet again to resolve their differences.

Mr. Davis: What if it is still not resolved?

Mr. Reycraft: Then we will probably be going to a situation where we will have to proceed to the dispute resolution process. It would depend on what was in dispute. In a matter of a staff transfer, the procedure is there. We have already talked about that. If the issue is one of accommodation or the use of a facility, there is a different process established in the legislation.

Mr. Davis: Correct me if I am wrong, but as I understand the process for accommodation, the planning and implementation commission would then ask for a committee to review it, and that would be made up of somebody off the planning and implementation commission. Am I correct? I know I am jumping ahead, but I want to ask the question.

Mr. Chairman: For which?

Mr. Davis: Accommodation, because I know the other section is covered.

Mr. Reycraft: We are getting into a section of the bill we have yet to approach.

Mr. Davis: It impacts upon that, and I want to try to clarify it.

Mr. Chairman: What you are legitimately pointing out is that there may not be an automatic resolution among the parties, but this section does not deal with resolution. This only deals with—

Mr. Davis: The order to review.

Mr. Chairman: Yes, and that is all we have so far. I think you are right to point out what is a potential major question about resolving it, but that will come more appropriately in a subsequent subsection. This is just that the various boards, now more than two, might be involved or recognized as part of this process.

Mr. Davis: Thank you.

Mr. Chairman: Is there further discussion on subsection 136v(1)? All those in favour of Mr. Reycraft's motion, please indicate. Those opposed? Carried.

I will read out subsection 136v(2), Mr. Allen, because yours is obviously not a government change.

"The criteria are that the method must permit the Roman Catholic school board to provide secondary school education and that the method

must promote the best interests of public education in Ontario."

Mr. Allen: I have an amendment to subsection 136v(2).

Mr. Chairman: Mr. Allen moves that subsection 136v(2) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"(2) The criteria are that the method,

"(a) must permit the Roman Catholic school board to provide secondary school education;

"(b) must promote the best interests of public education in Ontario; and

"(c) must ensure the viability of the secondary school program offered by the public board in single-school communities."

That is in order. Would you like to speak to it briefly?

Mr. Allen: Clearly, there is not a great deal of alteration from the original. The first two points make it quite clear the criteria must, in the first instance, permit the Roman Catholic school board to provide secondary school education. That is the overall purpose of the bill in question; so it would be rather strange not to have it in the criteria as well.

5:20 p.m.

Second, the commission would normally attempt to function, and should function, in such a fashion in the extension of Roman Catholic education to promote the best interests of public education in Ontario; but as all of us know, we did hear a great deal of discussion in the committee hearings on the question of the circumstances of secondary school programs offered by public boards in single-school communities.

We were all seized with the problem those boards could well be confronted with, if there were some ill-advised extensions in their communities. It seemed, therefore, wise to include it among the principal criteria in the bill. This seemed to be the most important and the clearest place to put it, namely, the principle that the criteria must ensure the viability of the secondary school program offered by the public board in single-school communities.

Mr. Reycraft: I indicated earlier this afternoon that we would be supporting this amendment. This minister has said on a number of occasions that no single-school community would lose its public secondary school as a result of the extension of funding. That remains the policy of the government.

It is certainly a very sensitive issue to address. We have heard from groups which have appeared before the committee on how much variance there is in what constitutes a viable secondary school across this province. We remain firm in our position that one cannot attach a number to viability and that it very much differs from community to community. It is most appropriate that the commission and the ministry remain sensitive to the community's perception of what is a viable secondary school and a viable secondary school program, as we proceed with the implementation of this policy.

Mr. Davis: I suggest this amendment by the New Democratic Party is a motherhood amendment. It is very difficult not to vote against it. One finds one must vote for it, but it does not address the issue of single-school communities.

I would like to reiterate my position and I would like to have a few words before I ask any questions. We believe the mechanism to deal with the single-school communities in this province was the amendments that both the Liberal government and the NDP turned down. All this is a kind of smoke-and-mirrors routine to indicate there is some concern. However, when you really look at it, when you begin to tear it apart and investigate it in depth, there is no guarantee in this legislation whatsoever, other than the minister's statement, that the single-school community will not be closed because of the extension of funding, nor that the building will be transferred to the Roman Catholic school's jurisdiction.

Perhaps Mr. Allen could clarify for me in clause 136v(2)(b) the particular phrase that caused all the consternation, "the best interests of public education in Ontario." What criteria will be used to ensure that phrase is met, in the understanding of Mr. Allen?

Mr. Allen: Mr. Davis is certainly asking me to get involved in smoke and mirrors to provide criteria for criteria. Probably the next question will be to ask me to provide criteria for criteria for criteria.

If you are looking for some basic guidelines that have to govern the operation of the planning and implementation commission and the boards that find it difficult to resolve a local issue, you want to lay out rather broadly the broad interests that must be respected, the broad criteria, the communities in question and the agencies in question. They must be respected in their capacity to respond to those criteria.

"The best interests of public education in Ontario" is clearly a very broad phrase. There is

no denying that. That does not mean it is meaningless. It comprises those publicly supported educational institutions that exist under the funding principles of this ministry and the government. These include the public boards and the separate boards. One simply says that those boards in question which find it difficult to resolve those issues must have the best interests of both those systems at heart in their processes and in the decisions they undertake to resolve their local problem.

Mr. Davis: Perhaps Mr. Allen may be a bit more clear in the answer if I ask him a clearer question. Let us use a hypothetical case where there are 309 pupils in a single-school jurisdiction and 50 students move, leaving about 250 students. If the public-board administration believes it can no longer develop a program that promotes the best interests of public education in Ontario, what criteria does the commission employ to say it can or it cannot?

Mr. Allen: Under this legislation, that will be in the hands of the planning and implementation commission under the guidance of the minister.

Mr. Davis: Perhaps the minister can define what he means by the best interests of public education and what criteria he would use.

Hon. Mr. Conway: Why did I think my friend the member for Scarborough Centre (Mr. Davis) would invite me into this discussion?

Mr. Jackson: Why did we think you would show up just in time to respond?

Hon. Mr. Conway: It was either this or the endless belt of discussion about Bill 94. I am delighted to be back because, as my friend the member for Burlington South (Mr. Jackson) knows, we have discussed this subject over many hours, days, weeks and months since this—

Mr. Jackson: It was three years in your party, as a matter of fact. Prior to that, there was a different position.

Hon. Mr. Conway: The member brings insight to this, as he always does, because it is a matter of years as far as the question of viability is concerned.

The first point I would make in this regard and in this debate about viability is that viability, to a real degree, is in the eye of the beholder. What is considered viable in a small, eastern Ontario community—and you have heard me say this before—might not be viewed as viable in the prosperous, urban community of Burlington. In this province, we have approximately 635 secondary schools.

Mr. Jackson: Prosperous and viable.

Hon. Mr. Conway: We have about 635 secondary schools that range in enrolment from 60 at one end to 2,500 at the other.

Mr. Jackson: Not all schools funded under your ministry are prosperous.

Hon. Mr. Conway: I am certainly not saying that any of these schools is better than another. It is important for this committee and most important for my friend the member for Scarborough Centre to take note of that. There are 635 secondary schools ranging in enrolment from a low of 60 to a high of about 2,500.

To be quite candid, the issue in much of this debate is not so much the single-high-school community as it is about small schools. Of our secondary schools in the province, roughly one in five now has fewer than 500 students. As a result of demographic change and community expectation and choice, we have the challenge of small schools. I know, because in my part of the province we have quite a few small community schools at the secondary and elementary levels.

5:30 p.m.

There is no question that there have to be some benchmarks to help us determine the viability question. I have said before and I repeat now that there will be very careful assessments made, in the first instance by the planning and implementation commission and in the final instance by the Minister of Education. I have heard the discussions here about the need to ensure that the minister accepts his responsibility. Under the legislation, I am quite prepared to do that, Mr. Davis.

Obviously, one of the criteria that is central to this debate is the capability of the secondary school to offer a range of secondary programs at appropriate levels that allow the students of that school to meet the diploma requirements set out by the Ministry of Education and allow those students to move forward into either the world of post-secondary education or the world of work and, I might add, to meet the community expectations.

Mr. Jackson: On a point of order: I think it only fair to advise the minister that in his absence his own party defeated an amendment that provided the very assurances he has just given. Therefore, in the interests of time, the minister might like to proceed off that point. It is no longer relevant to his position, since it will be vacant from the act.

Hon. Mr. Conway: I am simply responding to the concern of the member for Scarborough

Centre about how one is going to determine the viability question.

Mr. Jackson: Avoid program. We already know it has been defeated.

Hon. Mr. Conway: I want to make it very clear there is very considerable regional variation in this province. I do not think my friends from Burlington South or Scarborough Centre would be so insensitive as to apply unilaterally some hard, statistical minimum that might be very destructive to what the community of Seaford in Huron county, Almonte in Lanark county, Mattawa in Nipissing district—

Mr. Jackson: Harrow.

Hon. Mr. Conway: Harrow in Essex county.

Mr. Reville: Eastdale Collegiate Institute in Riverdale.

Hon. Mr. Conway: I am quite serious that when we talk about viability, we are talking about a number of factors, not the least of which is community expectation.

Mr. Chairman: It may be that I have an undue sense of déjà vu.

Mr. Jackson: I was enjoying that.

Mr. Chairman: No doubt you were. Déjà vu is one of those things that titillates many people. I think we have had much of this debate before, certainly on viability, in the very opening days here. Can we try to limit ourselves to specific short answers, if they are available?

Hon. Mr. Conway: Are you suggesting, Mr. Chairman—

Mr. Chairman: Yes, Minister, I certainly am suggesting. Let Mr. Davis pose his question, which was not being answered exactly the way he wanted.

Mr. Davis: Thank you, Mr. Chairman. At some point I would like to pursue the question of viability through questions. Maybe the minister would like to attempt my question again. It is interesting to note he has arrived without his entourage of ministry officials and a statement to read.

Hon. Mr. Conway: Now, now.

Mr. Davis: Perhaps he would like to try again to define what he understands promoting the best interests of public education in Ontario to mean, since he has used that phrase periodically. It is now a recommendation of the NDP.

As I understood Mr. Allen, as he went through a speech which did not tell me anything about the best interests of public education, it suggested the minister might have the answer. I thought it might be appropriate to ask the minister what he

means by the best interests of public education, which I point out to him is one of the statements used in the planning and implementation guidelines.

Mr. Chairman: It has been used in amendments by all parties so far, as I recall, so I presume we all have some idea of what we mean by it.

Mr. Jackson: They all love it; so we should get on with it.

Hon. Mr. Conway: To be fair, the member for Scarborough Centre knows that kind of language has been used by all three parties in this debate over many months. I am quite sensitive to your injunction, Mr. Chairman; I shall be brief. I have a sense, none the less, that I will not be able to provide an answer that will satisfy my friend from Scarborough Centre.

Mr. Davis: I am not sure you can supply any answer, but let us try.

Hon. Mr. Conway: I have said, and I will repeat, the best interests of education are, of necessity, going to take into account a variety of factors.

Mr. Davis: Such as?

Hon. Mr. Conway: Such as community attitude and expectations.

Mr. Davis: Okay. That is interesting.

Hon. Mr. Conway: It is very important. My friend the member for Kenora (Mr. Bernier) is here. I am sure he could elucidate to his friend from Scarborough Centre how community expectations in Hudson vary from the corner of Pharmacy and whatever in—

Mr. Chairman: That is in my riding; sorry.

Hon. Mr. Conway: However, the best interests of education will obviously take into account community attitude and expectations. They are going to take into account, and as I said earlier this is very important, the ability of the school to provide a range of programs that is going to allow, at appropriate levels of difficulty, the students of that school to meet the requirements of Ministry of Education policy for diploma purposes and to provide those students with a bridge into the world of either work or post-secondary education. Those are obvious benchmarks that are going to guide us in this, as well as other factors.

Mr. Davis: The planning and implementation guidelines that were first produced mentioned that in the establishment of a secondary school in a community with only one public school the criteria would have been to promote the best

interests of public education. The latest criteria published by the planning and implementation commission, which you are on record as saying you support and endorse, state the following:

“Where a board plans to establish a secondary school in a community with only one public secondary school or to transport pupils out of the community, the plan in regard to those pupils will be reviewed in order to satisfy the commission that the public secondary school continues to meet community expectations for its programs and that a viable Roman Catholic secondary school can be established.”

You have mentioned twice now what you call “community expectations.” Can you convey to me how you will define “community expectations” and how you will find out what they are?

Hon. Mr. Conway: I know from personal experience that school boards—separate school boards, for example—are having discussions with their ratepayers in the affected communities to see what might be an appropriate and desirable extension in single-school communities. Those communities are responding very clearly in many areas, although perhaps not in all. I cannot speak for them all; I can certainly speak for some with intimate knowledge.

Mr. Davis: One would be fine.

Hon. Mr. Conway: My point is simply that in the first year, 1985-86, nine new schools were created as a result of extension.

Mr. Davis: Were these separate schools?

Hon. Mr. Conway: That is right. Nine new secondary schools were created as a result of separate school extension. One of those schools, I am informed—the school in Tillsonburg—will not be operating next year. That is nine of 174 single-school environments. It is quite obvious that a great number of the so-called single-school communities have not been affected and may not be greatly affected as a result of this legislation. That is going to be, in the first instance, decided by people living in those single-school environments.

Mr. Chairman: Before we sail on, there is a vote to take place on one of Mr. Andrewes's motions. I will again give notice five minutes before the actual vote is to take place so that we all have time to go up beforehand. You will have the great opportunity of being able to listen to a continuation of this exchange until that time occurs.

5:40 p.m.

Mr. Davis: With all due respect, the minister did not answer my question. The question

happens to be, how does he define or how will he ascertain—there are two different questions; one is a definition and one is an ascertainment—the community's expectation of the public secondary school; not the separate school, but the public secondary school. You have indicated that one of your criteria is to promote the best interest of public education. Perhaps you could dream for me how you plan to acquire the information to help you make that decision.

Hon. Mr. Conway: I do not often dream and I do not intend to start in this committee room this afternoon.

Mr. Jackson: You are in an ivory tower.

Hon. Mr. Conway: I do not feel as if I am in an ivory tower.

Mr. Jackson: You were sitting in an ivory tower when you were in opposition. Did you cease to dwell in one the minute you became a minister?

Hon. Mr. Conway: I have to remind the committee of the process. In the first instance, there is a plan of extension that is developed by the separate school board in a given jurisdiction. The second part of that, locally, is the impact statement, which is developed in response to the extension plan by the coterminous public board. Those two documents go forward to the planning and implementation commission. They will bring a judgement to bear and it will then come to the minister. That is the process that is going to allow us to make the determination you ask about.

Mr. Davis: The community expectations are only those contained within those documents prepared by the public school board?

Hon. Mr. Conway: It is clear that there is more to it than that. In those communities—as I said, I have personal knowledge of this as a local member—the separate school ratepayers are debating among themselves and with both boards—because they are ratepayers, in most cases, to both boards—what would be appropriate in terms of their community. In the first year, 1985-86, nine new schools in 174 single-school communities were created—hardly an avalanche. The plans for the second year, according to our latest information, is that there are no new schools—

Mr. Clifford: The nine include both the first two years.

Hon. Mr. Conway: The indication for the second year plans is that the Tillsonburg school is not going to be operating in 1986-87. It is important to get a sense of what is actually

happening there. Of 174 single-school communities, in the first year we had nine new schools; in the second year we had no more; and in fact one less because the Tillsonburg school is not going to continue. Some of those nine—I think there are two—are en bloc transfers that obviously have not taken place yet. The communities, as they have always done in these issues of school policy, sit down, particularly the types of communities that we are talking about here, and make a determination.

Mr. Davis, you know this subject too well to force on the member for Kenora some kind of statistical straitjacket that is going to constrain the good people of Hudson. The member for Kenora knows this very well. You cannot put in place a set of rigid, statistical parameters that are going to constrain many of these communities.

Mr. Allen: I have a motion. We have canvassed this question; we are getting very repetitive. The minister has brought us some new information about the statistical lay of the land. The importance of the question against that information is significantly reduced. I would, therefore, with respect, move the previous question.

Mr. Chairman: I only gave the floor on the understanding that he would have another opportunity, so I cannot do that.

Mr. Allen: I tried.

Mr. Chairman: I will put you on the list if you would like. That is the problem with the question-and-answer approach; you give up the floor when you ask a question and another committee member—particularly the minister—has the floor. I can recognize you again, if you wish, at the end of that question, which I have been doing, but it—

Mr. Jackson: Can we yield to the minister for a question only?

Mr. Chairman: Sure. All I am saying is—

Mr. Jackson: Then you are yielding with direction.

Mr. Chairman: What I am doing now is recognizing Mr. Davis again.

Mr. Davis: Before I go on, may we have a clarification? Every time I ask a question, do I yield the floor to the minister or can I retain it?

Mr. Chairman: No, it is all right.

Hon. Mr. Conway: May I correct the record? I believe I said the nine schools proposed included the two en bloc transfers. They do not. There were nine, as well as two proposed en bloc transfers which have not yet taken place. Quite

apart from the two en bloc transfers I mentioned, there were nine new separate secondary schools proposed for 1985-86. There will be eight proposed for 1986-87; that is the same group of nine, less the one in Tillsonburg.

Mr. Davis: I do appreciate your frustration, Mr. Chairman, but I believe we are incorporating meaningless phrases into legislation. Although they are motherhood phrases and one finds it difficult to vote against them, they need to be defined a bit more clearly so that people can understand them. It is interesting that the minister did mention Kenora. Was Kenora approved again this year?

Hon. Mr. Conway: There have been no approvals for 1986-87. We have just had the first-year approvals. I would like to have the bill first, because I sensed from the Legislature that it would be best to have the backing of the legislation before we proceeded with the second-year approvals. I expect second-year plans to be on my desk shortly for approval for September 1986.

Mr. Davis: I asked that question because the minister stated that it was imperative community expectations be heard and understood. In the Kenora situation, the public school people indicated that with the establishment of the coterminous board approved by the minister, there was a great fear that program viability and ability to deliver program would not be met. This meant that the minister did not gain information as to their community expectations. It is nice to use words like "community expectations;" it is another thing to find out what they mean.

The minister has stated they must provide a range of program. Would he explain to me what range of program he anticipates the boards to provide?

Hon. Mr. Conway: The Ontario Schools, Intermediate and Senior Divisions curriculum guidelines set out the requirements for the secondary school diploma. Those are the requirements to which I make reference. The honourable member knows that.

Mr. Davis: Understanding that the full range of program is OSIS, is it the minister's intent to require the separate school boards to provide technical education in their own jurisdiction, in their own buildings?

Hon. Mr. Conway: Is the member being mischievous? I do not believe so, because he is not naturally disposed that way.

We have had this debate before. He has heard me say many times that I expect a high degree of

co-operation in many of those high-cost areas where I expect there will be a purchase of service between boards.

5:50 p.m.

Mr. Davis: What you are saying is that the separate schools will not be required to provide technical education programs within their own jurisdictions, although they may do so of their own determination. It will be a purchase program.

Hon. Mr. Conway: Not necessarily. It is going to depend on the local situation. We have had public boards purchasing specialized services at the elementary level from separate boards. I can think of some French-language programs that public boards decided were better provided by a purchase-of-service arrangement from the separate school boards. We are going to look carefully at what is submitted to us. The honourable member understands that.

Mr. Davis: The honourable member understands that one of the fears expressed throughout this process is a fear that has reality to it. The separate school boards will be purchasing technical education in the majority of cases. This was confirmed when we asked the minister's officials whether it was incumbent upon a separate school board to provide technical education within its own jurisdiction. His officials indicated to us they could provide a business option or a technical option. If this comes to be, the costs of operating those programs—

Mr. Chairman: If I might.

Mr. Davis: I am backing up a question. I have a question.

Mr. Chairman: If you are going to continue to ask questions which you have asked in the past and had clarification on from ministry officials and parliamentary assistants, I am going to rule them out of order.

Mr. Davis: Sorry. I was making a statement, not asking questions.

Mr. Chairman: You were doing both.

Mr. Davis: I have another question for the minister. The minister indicated earlier that he confirmed and supported the planning and implementation guidelines. It was not mentioned in the old criteria or in Bill 30. For the establishment of a secondary school in a community with only one public secondary school, he mentions community expectations. Then he said to this committee that a viable Roman Catholic secondary school should be established. Does he still hold to that kind of phraseology: that a viable

Roman Catholic secondary school be established?

Hon. Mr. Conway: Yes.

Mr. Davis: I appreciate that.

Hon. Mr. Conway: I take note of the honourable member's recognition—

Mr. Chairman: The question has been answered, as the Speaker would say. Anything further, Mr. Davis?

Hon. Mr. Conway: —that the new government as of June 26, 1985, seems to have moved forward with a clearer sense of what was expected of it than the previous government. But that would be mischievous on my part.

Mr. Jackson: Not based on your answers.

Mr. Chairman: You would not want to be any more mischievous than the other members. I want to keep this to crisp questions and answers.

Hon. Mr. Conway: There were some pretty critical things implied about the first-year criteria. I do not know where Mr. Davis thinks that comes to rest.

Mr. Jackson: That is why we were so pleased when you amended it.

Mr. Davis: I am having difficulty trying to word the question so that it does not become a statement. The minister talks about best interests and community expectations. Do you believe the viability of a secondary school program is contained within the ability of that secondary school to meet the criteria of the Ontario Schools, Intermediate and Senior Divisions guidelines?

Hon. Mr. Conway: The requirement to meet the secondary school curriculum is very important. I have said that at least three times this afternoon.

Mr. Davis: For example, in a single-school community such as Mount Forest, there is a fear that the transfer of 69 students to the separate school jurisdiction will threaten its ability to deliver the OSIS program. Would you agree that school is no longer viable?

Hon. Mr. Conway: With all due respect, the issue with Mount Forest, as in so many other communities, is not going to be extension so much as small schools. We have an opportunity there. If you look at the Mount Forest situation, I dare say the enrolment is under 500.

Mr. Clifford: Yes.

Hon. Mr. Conway: It is about 350. I could stand corrected on that by at least one person in the room. The issue and the challenge in many of these communities is going to be the small

school. In many ways, it is an opportunity. The Ministry of Education has an important role to play. For example, the Ontario Secondary School Teachers' Federation deserves a lot of credit for some very good work it has been doing in the area of small schools.

When one looks, for example, at some of these communities—and I think there has been some very interesting work on small-school timetabling done in Mount Forest—we have to apply ourselves to the challenge of small schools, which, as I say, is becoming an increasing reality in much of the province. The member for Kenora knows it in terms of the north; I know it in terms of the rural east. I believe we can apply ourselves as a ministry, as people with an interest in dedicating new resources and redeploying old ones.

We are sponsoring a small schools conference in the northwest which will bring together people from out of the province. It will look at how we can improve opportunities in the small school setting. We also have to look at the Independent Learning Centre to see how it might be better deployed to meet the challenge of small schools. We are looking at new technology and how that can assist in the small school environment.

There is a lot being done, but more is required. I hope, in the not-too-distant future, to be in a position to make even clearer the direction, commitment and specific initiatives of the ministry and this minister to meet the challenge of small schools.

I repeat that one in five of the secondary schools in this province has an enrolment of fewer than 500. Quite frankly, I think in all of those communities the ratepayers, and I dare say the students, feel that, by and large, good quality education is being provided. As I say, some of those schools have as few as 60 students.

Mr. Chairman: It is just wonderful for us to have you back, Minister. We were definitely moving along too quickly before; I really do appreciate your assistance.

Mr. Davis: The question I asked the minister was not on small schools. I think everyone in the province is aware of the difficulties in small schools.

The minister stated that one of the criteria of the viability of a secondary school program is the ability of that secondary school to provide the Ontario Schools, Intermediate and Senior Divisions programs. In the Mount Forest situation, the removal of those 69 or 70 students threatens the ability of the school to deliver the OSIS program. It is not a small school situation; it

becomes one in that, when you remove 69 students, you threaten the viability of that program even further.

I again ask the minister—with respect to the viability of a small, single-school community—whether he would agree that the viability of that system depends upon its ability to offer the OSIS program.

Hon. Mr. Conway: I do not think I have much more to add, Mr. Chairman, with due regard to your good advice, except to say that we are going, through both the planning and implementation commission and the judgement the minister will apply in the final analysis, to look very carefully at the criteria I have enumerated as being part of this whole calculation.

I think the member for Scarborough Centre knows where I stand as far as the OSIS requirements are concerned. We obviously expect that both public and separate secondary schools will be able to provide a range of programs at appropriate levels of difficulty to allow students to meet the diploma requirements set out in that document and to bridge them beyond secondary schools into the world of either work or post-secondary education.

Mr. Davis: I will conclude by informing the minister that there is a figure which educators can tell him make it a lot easier to afford the students the viability and the type of programming the minister wishes to look at. Our amendments tried to address that.

With all due respect to the minister and to the person who has moved these amendments, they have still not defined or clarified what they mean by such phrases as “the best interests of public education in Ontario,” nor have they defined and clarified what they mean by viability. As much as the minister has attempted to do so, he refuses to put that into specific criteria which will enable the local community to understand them so that it can express its expectations—which are to keep our local schools open.

6 p.m.

Mr. Allen: I do not need to reiterate my opinion that we have covered this ground pretty thoroughly, and several times over. We must all by now have satisfied ourselves with respect to the virtue of these amendments, or otherwise. Therefore, I would call the previous question.

Mr. Jackson: Have we rammed through the previous question?

Mr. Allen: That is right; I am ramming all the time.

Mr. Chairman: May I ask for debate? I have two people on the list; I have Mr. Baetz and Mr. Jackson. I will hold to this point. I have a motion which is now in order because Mr. Allen had the floor. I will test the committee on this as to what your interest is.

Mr. Davis: Can we debate or answer your question?

Mr. Chairman: No, the question is called, and all members are present, so we move to the vote on whether or not members wish to call the question. That is what we will vote on.

Mr. Jackson: I have two amendments.

Mr. Chairman: You will therefore be against moving the previous question at this stage?

Mr. Jackson: Yes.

Mr. Davis: May I have a point of clarification? I will be nonpartisan. If the motion carries to put the question now, can we still make amendments to that?

Mr. Chairman: No, you would move to the motion itself. This would rule out the possibility of amendments. This is moving the previous question.

Mr. Davis: Okay.

Mr. Chairman: This is a common point of order, it is not a debate. There is no provision for caucus. All members are here. The vote will be taken on whether or not you wish the question to be put. Let us be clear on that. It is not the question itself.

All those in favour of having the question put on Mr. Allen's amendment, please indicate.

The motion is defeated, five to four.

Mr. Baetz: I would like to come down from Mount Olympus and direct a question to Dr. Allen that deals rather specifically with the amendment here. I am sure you would allow that; it deals very specifically with the amendment.

Mr. Chairman: Yes, I would like that, sir. It would be a wonderful thing, actually. It would sort of make my day.

Mr. Baetz: Perhaps Dr. Allen could help me on this, but the way the three criteria now read, they begin with the word “must”: (a) “they must permit in the Roman Catholic school” etc.; (b) “it must promote the best interests of public education,” and (c) “it must ensure the viability of the secondary school system” and so forth.

I cannot help but think that with these three criteria, starting with the word “must,” that in fact the first criterion in certain circumstances could very conceivably be incompatible with the other two. It could be incompatible because these

could be mutually exclusive in certain circumstances. Would Dr. Allen clarify that for me? If you look at (a), which says the first criterion is that it must permit the Roman Catholic school board to provide secondary school education, there could be situations where the other two criteria are totally redundant.

Mr. Allen: Clearly, all these circumstances are very complex ones in the communities. There are two boards in question. There are questions of public education and the best interests of public education, and there are questions of viability. It is quite clear that those criteria are all important and all must be part of any formula that allows extension to take place in any given community.

I do not have any problem with multiple criteria. Obviously, if you have one criterion, it will be much easier to apply; if you have two, it is a little more difficult, and if you have three, it is a little more difficult. I cannot really see the problem in the simple fact that different criteria must apply that pertain to different aspects of a local situation.

Mr. Baetz: I would have had much less difficulty with this amendment if the criteria were to be laid in with the word "should." It should permit, it should promote, it should ensure. As I say, the word "must" makes the amendment quite meaningless; without getting into what is viable and what is not, and we have heard that discussion.

Mr. Jackson: The matter that is confusing me is not the "best interests" portion of the statement of public education, but rather the question of what constitutes public education. I raised the question about the notion of public education prior to the minister's arrival. Mr. Reycraft corrected me and said, "I am not so sure we at our end of the table believe that is to include only public students."

Mr. Reycraft: On a point of order: That is not what I said. I said there were those in the province who did not perceive that to be the definition of public education. I did not say that was the position of this party.

Mr. Chairman: That is so.

Mr. Jackson: Does the minister read Mr. Allen's amendment in clause 136v(2)(b) to mean all the students in Ontario when it refers to public education, or is he talking about those students who are in what we currently refer to as the public system? I would like to know exactly what the minister understands it to be.

Hon. Mr. Conway: Can you put the question again? I was being talked to in another ear.

Mr. Jackson: You have the section before you. It says, "must promote the best interests of public education in Ontario." Mr. Reycraft has clarified that there is doubt around the province about what is meant by that. Are we talking about all students in the province by this statement, or are we talking about only those students whom we have previously referred to prior to Bill 30 as those receiving public funds in public schools?

Hon. Mr. Conway: I do not think I understand the question.

Mr. Jackson: Perhaps I should start with Mr. Allen and ask him what his understanding was. Then, since the minister is going to have to implement this act, if he is able to interpret it, perhaps he might provide some further words of clarification and amendments, because now is the time to do it.

Mr. Chairman: Mr. Allen, do you want to indicate whether your amendment was that public education refers to any of the systems that are receiving public funding, or whether it was specifically to do with a system other than the Roman Catholic system that is currently funded in Ontario?

Mr. Allen: The former.

Mr. Chairman: Thank you.

Mr. Jackson: The former being?

Mr. Chairman: The former being all systems that receive public funding.

Mr. Jackson: All students in the province is what is referred to there. That differs from Mr. Reycraft's interpretation.

Mr. Chairman: No. That was identical to Mr. Reycraft's interpretation. Mr. Reycraft said there were people in the province who did not share that interpretation. He referred to bumper stickers that might not share it. That was not what Mr. Reycraft said his opinion was.

Mr. Jackson: All right. We are now talking about all students in the province.

Mr. Chairman: Within the public systems.

Mr. Jackson: Yes. Those who are either in the public system or the Roman Catholic system.

Mr. Chairman: Yes.

6:10 p.m.

Mr. Jackson: My second question has to do with what we did in the previous motion, which set apart the minister from the commission. I think this distinction should be clarified. Therefore, I want to ask Mr. Allen whether he is aware

that his motion only sets at the feet of the planning and implementation commission the assurances and protections that he seeks in his amendment; that the planning and implementation commission consists of non-elected persons with no accountability?

Therefore, the responsibility rests solely with the commission, rather than what was suggested in prior amendments that there be some connection and accountability between the minister and the planning and implementation commission on this matter so that a publicly elected individual would be held responsible for implementing this all-important catch clause proposed by Mr. Allen.

Mr. Allen, do you understand that there is no political accountability here other than that the commission can suggest whether or not it shall hold up the plan or so direct that resolutions be made?

Mr. Allen: It was a very long question. It rests on the total misreading that the Conservative opposition appears to have made originally of section 136s, which led to their amendment of subsection 136s(1), which, as stated at that time, said exactly what the original bill said, in which it is quite clear that the planning and implementation commission advises the minister in respect of specific means and in which it is clear it is advising the minister that he has responsibility. The notion that somehow or other the PIC is sitting out there footloose and fancy-free is a figment of somebody's imagination. I am not quite sure where it came from.

Mr. Jackson: May I ask why we have in subsection 136v(1), "Where the planning and implementation commission is of the opinion..."? Your motion follows from that authority. Nowhere do I see "the minister," unless you can show me in section 136s where it is reconnected.

Mr. Allen: The planning and implementation commission, Mr. Jackson, has a derivative power by which it functions. It is proper to speak of it as having the opinion and acting in that connection. However, it remains dependent upon the minister. It has to report to the minister. It is accountable to the minister. I do not see how one can deny that.

Mr. Jackson: I have his interpretation. Is the minister clear and comfortable with that? Are we holding you accountable to implement this section? Do you agree with that interpretation? Is that how you read what we have done to date with this bill?

Hon. Mr. Conway: As I understand it, from what preceded here this afternoon, yes. It would be subject, again, to a careful assessment of the particulars of the debate, which I did not hear. However, I think Dr. Allen puts the case very clearly.

Mr. Jackson: You were here for section 136s, which is the substance of what Mr. Allen now informs me; or you have been advised of 136s, which is really the nub of what Mr. Allen is saying. It is within that section that you are held accountable for directing the planning and implementation commission to implement these matters.

Hon. Mr. Conway: It is very clear what the order of things is. Yes, there is clear ministerial accountability in all this.

Mr. Jackson: You agree with Mr. Allen's interpretation of the section?

Hon. Mr. Conway: For the second time, yes.

Mr. Jackson: Good.

Based on the statements that have been made to date, I would propose amending Mr. Allen's clause. I wrote it out for you. Would that be in order?

Mr. Chairman: Yes. It is in order until I hear otherwise.

Mr. Jackson moves that subsection 136v(2), as moved by Mr. Allen, be amended in clause (c) by deleting all the words after "board," by the further addition of a clause (d), which reads "must ensure the retention of a school by the public board of single-school communities" and a new clause (e) which reads "shall not adversely effect the best interest of students attending the public school board."

I would note that this has not been given with any notice or any copies to the members.

Mr. Jackson: One is basically a split.

Mr. Chairman: Up until this point, that has been acceptable. I will consider it to be in order.

Mr. Jackson: What concerns me about Mr. Allen's proposal—it is a good one—is that in clause (c) it appear to me he is attempting to achieve two things. He is trying to address the viability of a school program and the retention of a single school in a single-school community by a public board. He is trying to lump the two together. Somehow I think that, if all parties here do agree on both of those noble notions for the public system, we would be doing more justice to the bill and to the minister if we were to separate the two so that they had a distinct and separate power.

I placed the other motion—I think I have referred to it as clause 136v(2)(e)—last because it introduces a new concept, one which has sadly been missing throughout this bill: the reference to protecting the interests of students. I feel that is important in a variety of areas, two of which I raised in committee at the last hearing. I was unable to get a response.

One was the notion of protecting the right of the separate school board to continue insisting upon uniforms, which was in some circles a matter of school program. I have in fact talked to the minister very briefly, advising him that I had a concern in this area; so I am sure he has had an opportunity to gather some thoughts on it.

The second one is the notion of Roman Catholic students retaining their right to maintain segregated schools within the Roman Catholic system. As you know, this government is currently reviewing, under Bill 7, elimination of all those matters which, in its opinion, because of discriminatory practices, are in conflict with various areas of federal and provincial legislation.

There is a growing concern in some areas that the practice of public funding for all-boys' or all-girls' schools might be deemed a contradiction and therefore be cast out. As legislators, we should take the opportunity, if this is a conviction we hold, to ensure that it should be retained. I believe that something as loosely worded as this would be consistent with the loose approach Mr. Allen has chosen in order to protect these vital areas.

I have introduced this amendment, but I would invite the minister to respond to those delicate

areas because I believe this is the only forum in which I can present it.

You had suggested to me, Mr. Chairman, that you were not going to solicit responses from the ministry, but that if we wanted to place amendments that was your job and you were disposed to do it. This is a very simple approach, especially now. That is why I started with a question of what constitutes public. I now understand as I work, even at this late stage, that we are now talking about all students in Ontario by the minister's definition, or rather the two systems are deemed to be the public system.

Just to recap, I want to split—

Mr. Chairman: Do it briefly, because we do have to go for the vote. Let me explain the procedure; then we will adjourn for the vote. I hope we will have copies for all committee members when we come back. Very clearly, we will not be back today. I hope this will be typed and distributed to all members for our next meeting tomorrow.

Mr. Jackson has basically moved that we delete everything in clause 136v(2)(c) after the word "board," that there be a new clause (d), which would read "must ensure the retention of the school by the public board of single-school communities," and a new clause (e), which indicates "shall not adversely affect the best interest of students attending the public school board."

We will now adjourn for the vote and resume tomorrow after orders of the day.

The committee adjourned at 6:19 p.m.

CONTENTS

Monday, June 9, 1986

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-277
Adjournment	S-299

SPEAKERS IN THIS ISSUE

- Allen, R. (Hamilton West NDP)
- Baetz, R. C. (Ottawa West PC)
- Davis, W. C. (Scarborough Centre PC)
- Jackson, C. (Burlington South PC)
- Johnston, R. F., Chairman (Scarborough West NDP)
- Reville, D., Vice-Chairman (Riverdale NDP)
- Reycraft, D. R. (Middlesex L)

Witnesses:

From the Ministry of Education:

- Conway, Hon. S. G., Minister of Education (Renfrew North L)
- Clifford, J. F., Executive Director, Education Services Division



Comm
Publication

No. S-13

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Tuesday, June 10, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, June 10, 1986

The committee met at 4 p.m. in room 151.

EDUCATION AMENDMENT ACT
(continued)

Consideration of Bill 30, An Act to amend the Education Act.

On section 2:

Mr. Chairman: I call the meeting to order, seeing a Tory in the room. The committee is in session. I would like to record that question period ended at 3:28 today. It is now four o'clock. At 3:32, we moved to orders of the day. We did not have more than two or three members in here until 3:45. We now have a quorum consisting of Mr. Reville, myself, Mr. Epp, Mr. G. I. Miller, Mr. Offer and Mr. Reyecraft. I am calling the meeting to order without the presence of the official opposition, because Mr. Bernier, who just entered the room, has left again. I believe this is an abuse of the process by the minority in the committee and I do not propose to tolerate it.

We will therefore move to what we already have on the agenda. At the end of the day, Mr. Jackson moved—and there was some debate—that subsection 136v(2) as moved by Mr. Allen be amended by deleting everything after the word “board” in clause (c), and by adding the following clauses:

“(d) must ensure the retention of a school by the public board of single-school communities; and

“(e) shall not adversely affect the best interests of students attending the public school board.”

Is there any discussion?

Mr. Reyecraft: I have in front of me a piece of paper, dated today, with a motion to be moved in committee by Mr. Jackson. It is similar to what you just read but there are some differences. I assume what we are debating at this stage is what you read?

Mr. Chairman: Yes. All we have moved at present is that which he moved yesterday with about half an hour to go, with one copy to me. That is what I read. Somebody else could move the subsequent one if you wish, but we have to deal with what is on the table. It has not been withdrawn at this point.

Mr. Reyecraft: To speak to Mr. Jackson's proposed clause 136v(2)(d), he talks about ensuring the retention of a single school in a single-school community. We have concerns that by including the verb “ensure,” such a clause would seriously undermine local autonomy. There may very well develop situations where there is just one public secondary school in a community and, because of declining enrolment and for no other reason, the officials within the school are unable to offer a program of a nature that satisfies the people in that community.

Existing legislation and regulations permit that where that happens and where the community is no longer satisfied with the program available in the school, the board of education can proceed to close such a school under its school closure policy, which all boards of education must have in place. The intent of the Ministry of Education is that where that school no longer satisfies the needs perceived by the local community, the community should have the right to have that school closed and should be able to obtain education for its young people in some other locale. A motion such as the one Mr. Jackson has put forward could very well threaten that local autonomy and threaten the ability of a local community to make that type of decision.

The clause 136v(2)(e) Mr. Jackson proposed yesterday is very subjective and open to all kinds of interpretation. In the case of “shall not adversely affect the best interests of students attending the public school board,” there is a problem in drafting because the students do not attend the public school board; they attend the school operated by the board of education. Again, we would create a situation that would lead to disputes and all types of difficulties by different interests within a community.

The minister indicated yesterday the position preferred with respect to this whole matter of protecting the single-school communities across this province. The minister's commitment to those single-school communities has been made repeatedly and very clearly. His commitment is that no single-school community will lose its public school because of extension.

The minister talked at some length yesterday about that commitment and about the situation with respect to small schools across this province

now; that one in five secondary schools has an enrolment of fewer than 500. There is a need to focus our attention on the program offered in those schools and to develop new ways to deal with the realities of low enrolment and declining enrolment in secondary schools.

We do not think the appropriate way to address the matter is the way Mr. Jackson has put forward and we will oppose his amendment. As I said yesterday, we are prepared to support Mr. Allen's amendment, which Mr. Jackson has moved to amend.

Mr. Chairman: Are there any other speakers on this issue? If not, a number of alternatives are available to us. We can take the vote at this time, which would be a highly unusual thing to do, given the absence of the person who moved it and the fact the person's party is not in the committee at the moment. We can stand down this section, move on to another section and come back to this for a vote when and if we are joined by the official opposition. What is your pleasure?

Mr. Epp: The proper thing to do at this time would be to stand down the item because the mover is not here.

Mr. Chairman: Are we agreed that we will stand down the section, rather than vote on it, because the mover is not here?

Mr. Reycraft: Yes.

Mr. Chairman: We cannot move to new subsection 136va because the official opposition, which was to move it, is not here. We will move to page 28 of the combined document and section 136w. We will come back to section 136v and section 136va, if they are still going to be moved, after we have started to deal with section 136w.

Mr. Reville: I wonder whether you can help me with a point of procedure. In view of the fact that we know there are both government and official opposition amendments for section 136w, are we not setting ourselves up for a lot of palaver? Can we perhaps keep standing things down until we find something that is not controversial and about which we have no notice of amendments?

Mr. Chairman: It might be difficult to find such a spot.

Mr. Reville: There may not be. I do not know.
4:10 p.m.

Mr. Chairman: We can always have the government amendment introduced and spoken to. Then, noting that there is an amendment on the compendium, we do not proceed on that section. We then see if it is possible to move to

the next subsection without that having any impact on the preceding amendment, if you are willing.

Mr. Reycraft moves that section 136w of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"136w. (1) A public board or a Roman Catholic school board, or the minister, may request the planning and implementation commission to arrange or assist in, or both, negotiations between or among the boards respecting any one or more of,

"(a) the transfer of the use of real or personal property;

"(b) the transfer of the ownership of real or personal property; or

"(c) the joint use or ownership of real or personal property.

"(2) The minister, on the recommendation of the planning and implementation commission, may appoint a mediator to confer with one or more public boards and one or more Roman Catholic school boards and to endeavour to effect an agreement between or among the boards on the matters that the commission has specified must be resolved between them.

"(3) The mediator shall confer with the boards and endeavour to effect an agreement and shall report the result to the minister.

"(4) Each board shall co-operate with the mediator and shall provide forthwith to the mediator such information as is requested by the mediator, and the mediator may request the provision of such information as the mediator considers relevant to the matters to be resolved.

"(5) The mediator shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council, and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred in the course of his or her duties."

Mr. Chairman: Does this replace the entire section 136w?

Mr. Reycraft: Yes.

Mr. Chairman: Would you like to speak to it clause by clause perhaps, starting with subsection 136w(1)?

Mr. Reycraft: Section 136w, as it was originally written, provided for assistance which could be obtained, on request, by a public board or a Roman Catholic board or by the minister regarding the transfer of property. It also, in its original subsection 136w(2), had a proposal that dealt in very general terms with mediation. It had a provision for a fact-finding step which would come after mediation. The proposed fact-finding

would be done by the commission which, after having carried it out on the issues in dispute between two boards, would then report to the minister on its findings.

The section has been rewritten almost in its entirety. It will still permit the planning and implementation commission to assist in negotiations between boards. Assistance with negotiations might be with regard to the transfer, the use or the ownership of property or any combination of those things. Subsection 1 gives either board or the minister the authority to ask for that assistance in negotiations.

Subsection 2 gives the minister the right to appoint a mediator who would attempt to bring the two parties together on the issue in dispute to try to arrive at an agreement. The amendments provide for the mediator to report to the minister after he has conferred with the two boards.

Our revision increases the minister's responsibility: he will have the authority to appoint a mediator and will determine when the need for mediation exists. It preserves the original role of the planning and implementation commission to act as an expeditor or facilitator, but only when requested, so that its role changes under our amendment.

We added the last section after announcing original amendments to the bill. It provides for remuneration of the expenses of the mediator.

Mr. Chairman: Division bells are ringing at the moment. There will be a vote, and we will be informed as to when it is. Any idea how quickly it might come?

Mr. Offer: No idea.

Interjection: Do they indicate that we will get five minutes' notice?

Mr. Offer: Most likely.

Mr. Epp: Let us proceed anyway.

Mr. Chairman: Any discussion of Mr. Reyecraft's motion?

Mr. Reville: The New Democratic Party will support this amendment.

Mr. Reyecraft: I note that in the compendium of amendments there is a proposed amendment forthcoming from the official opposition. Speaking of the official opposition, Mr. Chairman, they are just entering the room.

Mr. Chairman: We may be able to deal with them now. The committee is at section 136w. The committee started at 4 p.m. Note that the Tory caucus members are arriving at approximately 4:18 p.m., just under 50 minutes after question period ended, without any advice to the

chair that this would be happening. I saw a quorum as Mr. Bernier entered the room earlier.

Mr. Bernier: Mr. Bernier was not in the room, Mr. Chairman.

Mr. Chairman: He was seen by the chair, and that is all it takes. We had a quorum; under standing order 99(a), I recognized that quorum and we began.

If you intend to delay the process of this committee with whatever has occurred in caucus, I would like to be informed of that in the future so that I am not put in the position of sitting around for 15 minutes without us operating as a committee as we should be doing. We have stood down matters in the past because there has been discussion between groups, and we can do that again, but to boycott the process of this committee is not particularly helpful.

We have had Mr. Reyecraft move subsection 136w(1) in its entirety. We have stood down Mr. Jackson's motion of last night after some discussion, and we will return to that. We stood down the proposed amendment of the Conservative Party on section 136va until the arrival of the Tory caucus. There are division bells ringing and we will be advised with five minutes' notice as to when that vote is taking place.

I note that there is a Conservative amendment to subsection 136w(1) in the compendium. What is the desire of the committee? Do you wish to proceed with that amendment, or would you like to return to the matters we stood down because of the absence of the Tory members?

4:20 p.m.

Mr. Allen: Since the Tory critic is not here and since there seems to be some question around Mr. Jackson's amendment, we should proceed where you have just left off.

Mr. Chairman: Will somebody move the Conservative motion under subsection 136w(1) if that is still the intent?

Mr. Jackson moves that subsection 136w(1) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"Upon receipt of a request by a school board, an education employee organization or a ratepayer, the minister shall direct the planning and implementation commission to arrange or assist in, or both, negotiations between the two boards respecting the leasing or transfer of the use or ownership of real or personal property for secondary school purposes and the transfer of persons on the teaching and other staffs."

That is in order.

Mr. Jackson: The points raised in here are set out more clearly, in our opinion, not only in respect of personal property but also the chattels which were referred to during committee hearings. I raised that when I was at the London hearings. That is particularly important with some of the special programs that are equipment-intensive. There are some major costs associated with the startup of those programs when a subsequent transfer occurs. I am trying to think whether there is anything else of substance that differs from the proposal by the minister. That seems to be the substantive difference.

Mr. Reycraft: I have some problem with including the ratepayer in the amendment as it has been proposed by Mr. Jackson. What this says is that people who are supporters of the board of education elect the board of education and then somehow, under an amendment like this one, have a right to direct its actions and its deliberations.

The whole purpose of the board of education is to represent the taxpayers who have elected it. With our proposed subsection 136w(1), with its parts (a), (b) and (c), we have dealt with the matter of the minister involving the planning and implementation commission in an adequate manner. I would also point out that in the latter part of Mr. Jackson's amendment, where he talks about the transfer of persons on the teaching and other staffs, that the method of dealing with that transfer, of identifying the individuals who are to be affected and resolving disputes that might evolve from that identification process, has already been covered in sections that the committee has already dealt with in their totality.

Given that last explanation, it occurs to me that the motion might even be out of order since the whole method of identifying persons to be transferred and resolving disputes that surround that issue has been dealt with adequately by the committee. Should you rule otherwise, we will oppose the motion.

Mr. Chairman: I think it would be just as easy to leave it. Your right to oppose it will be straightforward.

Mr. Bernier: I believe the amendment we are bringing in is much stronger than what is in the act at the present time. You will note in the act it says, "A public board or a Roman Catholic school board or the minister may request the planning and implementation committee to arrange or assist...." Our amendment is much clearer and much stronger. I think it is more workable. It points out, "Upon receipt of a request by the school board, an educational

employee organization or a ratepayer, the minister shall direct...." It is much stronger and much clearer.

Mr. Reycraft: There is no argument with what Mr. Bernier has said. That is right. If a public board decides that it needs the assistance of the planning and implementation commission, then the minister will direct that assistance be provided. Our point is that the board of education or the Roman Catholic separate school board should be the body to make that decision on when the assistance is needed. Somehow there is a suggestion that if one single ratepayer of a board of education decides that the assistance of the planning and implementation commission is required, then it is going to happen. I think that would probably assure us that the commission would be involved in every set of negotiations that takes place between a public board and a separate school board within this province. I do not think the amendment is appropriate.

Mr. Chairman: Is there further discussion? If not, I will take the vote on Mr. Jackson's motion to amend subsection 136w(1).

All those in favour of Mr. Jackson's amendment?

All those opposed?

Motion negatived.

Mr. Chairman: On the amendment by Mr. Reycraft on subsection 136w(1), is there more discussion?

Mr. Jackson: The feature that was in the motion just defeated was also the recognition of lease and not necessarily the transfer. The transfer implies that the ownership will transfer. Previously in the bill, we have upheld the notion of leasing or arrangements. I wonder if legal counsel can advise us that (c) adequately covers that point. Would the joint use or ownership of real or personal property be considered a matter of a lease?

Mr. Revell: I do not think (c) would cover it, but I think clause (a), the transfer of the use of real or personal property, would, because you can transfer use through the lease mechanism.

Mr. Jackson: As long as it is the legal interpretation that it would be covered for a lease, which is all I wanted to make sure of, we can support it.

Mr. Chairman: All those in favour of Mr. Reycraft's amendment?

All those opposed?

Motion agreed to.

Mr. Chairman: Mr. Reycraft has spoken to subsection 136w(2) already. It is on the appointment of a mediator. Is there any discussion? All those in favour of Mr. Reycraft's amendment?

Motion agreed to.

Mr. Chairman: Subsection 136w(3) states that "the mediator shall confer with the boards and endeavour to effect an agreement and shall report the result to the minister."

I am advised we should go up for the vote. The vote will be in five minutes.

The committee recessed at 4:29 p.m.

4:58 p.m.

Mr. Chairman: We will proceed again. I have no amendments to subsection 136w(3). Is there any discussion? All those in favour, please indicate. Carried.

Subsection 4 reads, "Each board shall co-operate with the mediator and shall provide forthwith to the mediator such information as is requested by the mediator, and the mediator may request the provision of such information as the mediator considers relevant to the matters to be resolved."

Mr. Davis, your motion was to replace subsection 4 in the initial bill, which was on guidelines, was it not? Is that where you want this to come in, or do you still want that at the end?

Mr. Davis: What we have found as we have gone through this is that the government and the New Democratic Party have voted it down all the time. I do not think it is worth putting back in again. We will withdraw it.

I believe we have made our case that the minister should have more responsibility for doing this, even though he indicates he is really at arm's length in those decision-making processes. We will therefore withdraw it.

Mr. Chairman: We are discussing subsection 136w(4), which I just read. Is there any further discussion on that? All those in favour of subsection 136w(4) please indicate. Carried.

Subsection 136w(5) reads, "The mediator shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council, and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred in the course of his or her duties." Any discussion?

Clerk of the Committee: We need a quick vote, since we have to go now.

Mr. Chairman: Let us take the vote on this one since we have agreement. There is no discussion. All those in favour please indicate. Carried.

We will again adjourn for a vote in the House and return to decide on section 136w as a whole.

The committee recessed at 5:01 p.m.

5:21 p.m.

Mr. Chairman: When we left, we had just passed subsection 136w(5). Shall section 136w, as amended, carry? All those in favour? Carried.

What is the desire now that we have finished this section? Do you want to proceed forward with section 136x or move back to Mr. Jackson's motion? Which would you prefer?

Mr. Jackson: I prefer to go back.

Mr. Reycraft: I am not sure what is in order here and how we decide this. I understand some further amendments to section 136v are coming forward this afternoon. There has been some discussion between the critics of the two opposition parties. It would be our preference to leave section 136v stood down until it is clear where everybody stands on that. We would prefer to go to a different section.

Mr. Chairman: Is that all right with you, Mr. Jackson? I am aware there were discussions, but I am not aware of any agreement. I am in a bind on this. We have Mr. Jackson's initial motion which we just completed and which I presume you want to withdraw so you can insert your new one. Now that a few more members are here, perhaps we can find out whether they would like to go forward or back. We have just completed section 136w. Would you like to proceed to section 136x or move back to section 136v?

Mr. Allen: If we were to continue moving forward, it would give some time to work out some language that relates to section 136v.

Mr. Chairman: All right. Then let us move to section 136x.

Mr. Epp: It is a good thing there are only 36 of them.

Mr. Chairman: Yes, Mr. Epp, I am pleased about that as well. It is the new English alphabet, 36 letters. I gather, Mr. Reycraft, that your motion will replace section 136x in its entirety. Is that correct?

Mr. Reycraft: Yes.

Mr. Chairman: Perhaps you should read in as much as you think is necessary, or do you want to do it subsection by subsection? Is that just as easy?

Mr. Reycraft: I will read in the whole section. If you wish to deal with it subsection by subsection, we can do that. That is the way we did the last few.

Mr. Chairman: All right. I will sit back and listen to your dissertation.

Mr. Reycraft: I move that section 136x of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"136x(1) If a mediator reports to the minister that the mediator was unable to effect an agreement, the minister shall appoint a tribunal of not more than three persons to hear and decide the matters that must be resolved.

"(2) The minister shall designate one of the members of the tribunal to be the head of the tribunal.

"(3) No person is eligible to be a member of a tribunal who is or has been a member of a board that is a party to the proceeding before the tribunal or who is acting or has, within a period of six months preceding the date of the designation of the head of the tribunal, acted as solicitor, counsel or agent of either of the parties.

"(4) If a member of the tribunal is unable to enter on or to carry on his or her duties so as to enable a decision to be made within 60 days after the date of the designation of the head of the tribunal, or within such longer period of time as may be fixed in writing by the tribunal and consented to by the minister, or ceases to act by reason of withdrawal or death before the tribunal has completed its work, a replacement shall be appointed by the minister and the tribunal shall continue to function as if the replacement member were a member of the tribunal from the beginning.

"(5) The tribunal shall appoint a time and place for a hearing and shall give notice thereof to the parties.

"(6) The parties to the hearing are the public board or public boards and the Roman Catholic school board or Roman Catholic school boards that are unable to effect an agreement on the matters that must be resolved between or among them.

"(7) In deciding the matters that must be resolved, the tribunal shall endeavour to permit the Roman Catholic school board or Roman Catholic school boards to provide secondary education and shall endeavour to promote the best interests of public education in Ontario.

"(8) The tribunal, in its decision, may provide for,

"(a) the transfer of the use of real property or personal property, or both, from a public board that is a party to a Roman Catholic school board that is a party;

"(b) the transfer of the ownership of real property or personal property, or both, from a

public board that is a party to a Roman Catholic school board that is a party;

"(c) the joint use of real property or personal property, or both, by a public board that is a party and a Roman Catholic school board that is a party in such proportions as the tribunal specifies, or any combination of them.

"(9) The tribunal shall give to the minister its decision in writing, together with written reasons therefor, and the record of the proceeding forthwith after making the decision.

"(10) The minister shall issue and transmit to the parties an order in the terms of the decision, together with a copy of the decision and the written reasons for the decision.

"(11) Real property that is the subject of an order under subsection 10 is not subject to expropriation by a public board, but upon application the minister with the approval of the Lieutenant Governor in Council may,

"(a) order the retransfer, subject to such conditions as are specified in the retransfer order, of the use or ownership of all or part of the real property or personal property, or both, that was transferred in accordance with an order under subsection (10);

"(b) by order vary or rescind an order under subsection (10) that provides for the joint use of any real property or personal property.

"(12) The Expropriations Act does not apply in respect of the transfer or retransfer of real property or personal property in accordance with an order under this section.

"(13) The minister shall cause a copy of an order made under this section to be filed in the office of the registrar of the Supreme Court, exclusive of the reasons therefor, and the order shall be entered in the same way as a judgement of the Supreme Court and is enforceable as such.

"(14) Upon the petition of a party to a proceeding under this section, filed with the clerk of the executive council within 28 days after the date of an order by the minister in the proceeding, the Lieutenant Governor in Council may,

"(a) confirm, vary or rescind the whole or any part of the order; or

"(b) require the minister to appoint a new tribunal to hold a new hearing of the whole or any part of the matter upon which the order of the minister was based.

"(15) The order of the minister after a new hearing ordered by the Lieutenant Governor in Council is not subject to petition under this section.

"(16) Upon the filing of a petition, the minister shall file with the clerk of the executive council

the decision and written reasons therefor of the tribunal and a copy of the order of the minister.

"(17) The Lieutenant Governor in Council is not required to hold or to afford to any person an opportunity for a hearing before deciding upon a petition under this section.

"(18) The head of the tribunal and the other members of the tribunal who are not officers in the public service of Ontario shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred by them in the course of their duties under this act."

5:30 p.m.

Mr. Chairman: Mr. Reycraft, it is out of order. That was just a little joke; it is in order. I presume this is a whole new section on the establishment of a tribunal rather than giving us the powers of the planning and implementation commission that were there before. Perhaps it would be just as easy to deal with each subsection rather than to try to deal with the entire process. Is that all right with you, Mr. Reycraft?

Mr. Reycraft: Agreed.

Mr. Chairman: Would you like to speak to subsection 136x(1) and then we will move on?

Mr. Reycraft: The bill as originally drafted provided for an arbitration process in which the commission was involved if there was difficulty in reaching a decision between boards. Subsection 1 provides that when the mediator is unable to get an agreement, the minister will then proceed to appoint a tribunal, which will hear and decide the matters and, in effect, perform an arbitration function.

Mr. Chairman: An amendment which was proposed by the Conservative caucus is in our compendium. Mr. Davis, sorry to catch you just as you are coming in like this. We are dealing with section 136x, which is the new tribunal system. We have just started with subsection 136x(1), the trigger mechanism for establishing when a mediator would be called. You had proposed an amendment yourself originally, but that was when the planning and implementation commission had this power in the original section. I am wondering whether you still wish to move your amendment or whether you just wish to discuss the government's amendment.

Mr. Davis: Just let me get my head back into gear. We are now at the establishing of a mediator in section 136x, are we not?

Mr. Chairman: That is right, and we moved to a whole separate tribunal system, as you may

recall, rather than giving these powers to the planning and implementation commission and dividing out those powers. Was your motion still referring back to the commission resolving the disputes?

Mr. Davis: It would be out of order.

Mr. Chairman: It is a proper amendment to the original section, but the new government amendment basically replaces the old one in its entirety. Basically, if you are in general agreement with the notion of a separate tribunal, you will not move yours.

Mr. Davis: We will move sections of ours as we go through.

Mr. Chairman: But not this first section.

Mr. Davis: No, not the first section.

Mr. Chairman: All right. Is there any further debate on the triggering mechanism for subsection 136x(1), the establishment of a mediator?

Mr. Davis: For clarification, where does the tribunal come from? From the planning and implementation commission?

Mr. Chairman: Not as I see it.

Mr. Davis: It is just a tribunal. Where is he finding it?

Mr. Reycraft: In my recollection, the only persons who are disqualified from being members of the tribunal are those identified in subsection 3.

Mr. Davis: What I am asking, and perhaps Mr. Reycraft can clarify this, is the reference to "the minister shall appoint a tribunal of not more than three persons." Would those three persons necessarily come right from the planning and implementation commission. Could they be or could they not be?

Mr. Reycraft: Yes. They could be.

Mr. Chairman: Mr. Kirkwood, what was the intent of this? It was just to set up a separate bank of people, as I recall.

Mr. Kirkwood: That is correct. It was a separate bank of people who had not been involved in the dispute.

Mr. Davis: Someone from the commission?

Mr. Reycraft: Although they are not specifically disqualified under subsection 3, Mr. Kirkwood's explanation is quite accurate.

Mr. Davis: We will raise the question again later.

Mr. Chairman: Good. Anything further on this triggering mechanism? All those in favour of subsection 136x(1), please indicate. Carried.

"(2) The minister shall designate one of the members of the tribunal to be the head of the tribunal."

All those in favour, please indicate. Carried.

"(3) No person is eligible to be a member of a tribunal who is or has been a member of a board that is a party to the proceeding before the tribunal or who is acting or has, within a period of six months preceding the date of the designation of the head of the tribunal, acted as solicitor, counsel or agent of either of the parties."

Mr. Davis: I want to clarify something with Mr. Reycraft's help. Is it his understanding that one of the three people of this tribunal would come from the planning and implementation commission?

Mr. Reycraft: It is the minister's intention and the intention of the government that the tribunal would be made up of three individuals who had not been directly involved in the issue up to that point. Therefore, they would not select a member of the commission to be a member of the tribunal.

Mr. Davis: Who had been involved?

Mr. Reycraft: It is the intent that members of the commission would not be selected as members of the tribunal.

Mr. Davis: Can I clarify it one more step? In my understanding of the commission, not all the commission members necessarily have to be dealing with that particular event. Therefore, would they be excluded as well?

Mr. Reycraft: Mr. Davis is putting hypothetical situations before the committee that I am not sure have received consideration in the past.

Mr. Davis: My concern is the same concern that was raised across the province when the planning and implementation commission did the first hearing and then members did the second hearing. Although it was only three at that point, they had already been involved.

I am concerned. If Mr. Reycraft can give me assurance that is not going to happen, then I have no problem with this. I am concerned that if a member or members of the planning and implementation commission have not been involved in the hearings and are therefore exempt under subsection 3, then the minister could appoint them. If you can assure me that is not going to happen, we have no problem.

Mr. Reycraft: I assure Mr. Davis that it is not the intent to have a member of the planning and implementation commission serve as a member of the tribunal.

Mr. Davis: I will accept that.

Mr. Chairman: Is there anything further on the eligibility question? If not, all those in favour of subsection 136x(3), please indicate. Carried.

I will read subsection 136x(4): "If a member of the tribunal is unable to enter on or to carry on his or her duties so as to enable a decision to be made within 60 days after the date of the designation of the head of the tribunal, or within such longer period of time as may be fixed in writing by the tribunal and consented to by the minister, or ceases to act by reason of withdrawal or death before the tribunal has completed its work, a replacement shall be appointed by the minister and the tribunal shall continue to function as if the replacement member were a member of the tribunal from the beginning."

This has the 60-day minimum period. Is there any discussion? All those in favour, please indicate. Carried.

Subsection 136x(5) reads, "The tribunal shall appoint a time and place for a hearing and shall give notice thereof to the parties."

Mr. Davis: Can Mr. Reycraft indicate to me who he perceives the parties to be? Our amendment in subsection 136x(4) defines the parties to the hearing to be any affected organizations, groups and persons.

Mr. Chairman: The next subsection lists them—the public board or public boards and the Roman Catholic school board or Roman Catholic school boards that are unable to effect an agreement. That is what it says there.

Mr. Davis: The teachers are covered under another section. Is that correct? We will deal with that when we get there. I do not know whether we should deal with it now.

Mr. Chairman: We do not need to deal with it here. It would probably be wise to deal with it in the next subsection if it is not dealt with elsewhere. That deals with who the parties are. In this case, it is just a matter of appointing a time and a place.

All those in favour of subsection 136x(5), please indicate. Carried.

5:40 p.m.

Subsection 136x(6) reads, "The parties to the hearing are the public board or public boards and the Roman Catholic school board or Roman Catholic school boards that are unable to effect an agreement on the matters that must be resolved between or among them."

Mr. Reycraft, is there a section that involves the organizations which represent teachers, etc.? I cannot remember one from your reading.

Mr. Reycraft: That matter of dispute resolutions with respect to the transfer of persons from one board to another is covered in 136l.

Mr. Davis: That is for teachers. Let us go back to section 136w, which we are talking about, namely, the transfer of the use or ownership of real or personal property, joint use and so on. When you move into that area, you could have parent groups involved, for example. How would they access in?

Mr. Reycraft: Those parent groups elect trustees to represent them on boards of education. Their representation is provided by those trustees.

Mr. Davis: There should be some opportunity in these hearings for the mediator to confer with parents who may be involved in that school, especially if there is a transfer of property or if, in some cases, a local parent-teacher association has purchased items for the school, such as computers.

Mr. Chairman: If that is the case, why not move some version of subsection 136x(6)?

Mr. Davis: I move a version of subsection 136x(6) to read, "The parties to the hearing are the public board or public boards and the Roman Catholic school board or Roman Catholic school boards that are unable to effect an agreement on the matters that must be resolved between or among them and affected organizations, groups or persons." I would be prepared to say "and affected organizations." That would cover—

Mr. Reycraft: Everybody.

Mr. Davis: Right.

Mr. Chairman: Participatory democracy.

Mr. Davis: You suggested that it was a good idea.

Mr. Chairman: The motion we had before us in the compendium would be changed to an amendment to subsection 136x(6). After the final word "them," in Mr. Reycraft's subsection 6, we would add the words "and any affected organizations."

Mr. Davis: It does not mean they have to, but they should have the opportunity

Mr. Revell: By putting it in in this form, we would create a situation in which unidentified and perhaps unidentifiable people are turned into parties by the statute. The Statutory Powers Procedure Act would probably then kick in. We would have these unidentified and unidentifiable people being made parties to an action or a proceeding before a tribunal without any way of serving notices on them and going through the

normal procedural fairness, matters that are specified in the act.

I can suggest an alternative, if the member's idea is that these people be given a right to be heard. It would require some time to draft. If the member wants to consider it, the committee could discuss it in principle. If the principle passes, I can do the drafting.

Mr. Davis : I would appreciate that.

Mr. Revell: As I hear the member, he wants the public to be able to appear before this tribunal once the tribunal mechanism has been invoked. It might be advisable that the tribunal give public notice in a newspaper or publication having general circulation in the community, giving the public an opportunity to make representations to the tribunal—not at all unlike what we did with this bill, when ads were placed in newspapers throughout Ontario—

Mr. Chairman: For a tribunal?

Mr. Revell: In terms of soliciting public comment without converting them into parties with all the rights that parties have to get notice. There is the principle that gets to what Mr. Davis was saying. As I say, they are unidentified and unidentifiable.

Mr. Davis: That would cover what I would like. It is imperative that they do have that opportunity. We are talking about the transfer of property and so on. I really do not think lots of people will come out, but at least the public has the right to come if it wishes.

Mr. Chairman: Let us have a discussion of the proposed amendment in terms of the principle involved. Then, if there seems to be a general consensus on it, we will withdraw the amendment and not complete the entire section until such time as legal counsel comes back. If there seems to be opposition to the principle involved, for whatever reason, then perhaps we would be just as well to take the vote on the specific amendment and move on.

Mr. Reycraft: The process as it is set out in the bill involves at least four distinct stages, perhaps more. It starts with public meetings. Then there is negotiation, mediation and the hearing before the tribunal. In effect, it is a form of arbitration. Section 136u, which we have already passed, dealt with the public meeting stage which would be held by the commission, for which there would be ample public notice given and at which the groups and organizations Mr. Davis is concerned about would have an opportunity to become involved. I question whether it is appropriate for those groups to get

involved at this stage as a party to a hearing held before a tribunal.

Mr. Davis: With all due respect to my colleague, it sits only for the purpose of ensuring it receives adequate information. The planning and implementation commission may hold public meetings in respect of the provision of secondary education provided by individual Roman Catholic school boards. If you are going to allow the public to have input at level A, it is imperative that it also has input at level B. The tribunal needs to hear from the public, because this is a new body that has been formed, as I understood Mr. Reycraft, and it should allow the deputations that wish to come before it to do so. They may not wish that and that is fair, but the opportunity should be available. That is all I am asking for.

Mr. Chairman: Is there any further debate on this?

We do not have a consensus on whether it is required at this stage. Would you like, therefore, to move to the vote on your—

Mr. Davis: On the amendment?

Mr. Chairman: Just to check whether it has support. I will take that as a vote in support of the principle and we will go back to redrafting. If not, we will move back to the main motion.

Mr. Davis: Yes. That would be fair.

Mr. Chairman: All those in favour of Mr. Davis's motion, which would be to affect the principle involved in adding the words "in any affected organizations" to the end of subsection 6.

Mr. Davis: Is that to be reworded?

Mr. Chairman: Yes. This is just for the principle.

All those in favour please indicate. Those opposed? The motion is defeated.

We will go back to subsection 6 which has as the parties the boards involved. Any further discussion of subsection 6?

Seeing none, all those in favour of subsection 6 please indicate. Carried.

Subsection 7 states: "In deciding the matters that must be resolved, the tribunal shall endeavour to permit the Roman Catholic school board or Roman Catholic school boards to provide secondary education and shall endeavour to promote the best interests of public education in Ontario."

There are two principles underlying the rule. Is there any discussion? None.

All those in favour, please indicate. Those opposed? Carried.

5:50 p.m.

Subsection 8: "The tribunal, in its decision, may provide for,

"(a) the transfer of the use of real property or personal property, or both, from a public board that is a party to a Roman Catholic school board that is a party;

"(b) the transfer of the ownership of real property or personal property, or both, from a public board that is a party to a Roman Catholic school board that is a party;

"(c) the joint use of real property or personal property, or both, by a public board that is a party and a Roman Catholic school board that is a party in such proportions as the tribunal specifies, "or any combination of them."

Mr. Jackson: I have a question about costs associated with that. Could Mr. Reycraft advise me if that is implicit here?

Mr. Reycraft: No, I do not think so.

Mr. Jackson: If it is not in this section, where is it in the bill?

Mr. Reycraft: I do not think the matter of cost is addressed specifically within the bill. The whole matter of payment for facilities, property transferred from one board to another, is already dealt with in the Education Act. Section 136p of the bill—I think it is 136p; I could be mistaken—makes those sections applicable to this bill.

Mr. Jackson: Section 136p says, "Other provisions of this act shall be construed with necessary modifications"—

Mr. Reycraft: The reference to "act" is to the Education Act, of which this will become section 136.

Mr. Chairman: Could Mr. Kirkwood give us an interpretation of this?

Mr. Jackson: In pure layman's language, then, we are saying that the Education Act provides for the three-tiered declared redundancy in clearance of a school, and that the separate board can pick it up at that level in the normal fashion stated by the act.

Mr. Reycraft: That is correct.

Mr. Jackson: You are governed by regulations with respect to the amounts of moneys which transfer, or the value at which you sell the property?

Mr. Reycraft: I believe that is the case.

Mr. Chairman: Mr. Kirkwood is agreeing.

Mr. Jackson: It is not in the act, then; the amount of money and the percentages are actually determined in the regulations.

I know it is a complex section of regulations, because it has to do with the age of the building, whether it goes into capital accounts and so on. I am familiar with that aspect of it. However, is the minister able to set the regulations separately with respect to the amounts of moneys transferred?

Mr. Reycraft: I believe the provisions are in the act and the specifics in the regulations, as Mr. Jackson has described.

Mr. Jackson: What mechanism is there in the regulations for dispute resolution on the matter of price, where two school boards are acquiring a property?

Mr. Reycraft: I am not familiar with what happens when that occurs, or if there is a mechanism for dealing with it.

Mr. Chairman: Mr. Kirkwood, is there a dispute resolution mechanism for the existing act?

Mr. Kirkwood: There is a dispute resolution mechanism in the general legislative grant with respect to fees. I have here a B memorandum from 1981–1981: B2—which has the effect of policy. This speaks to the management of accommodation disputes. There is a procedure in place that has been used over the years in terms of disputes on accommodation.

Mr. Chairman: Can we assume, by what we have here, that disputes in general would be handled by this tribunal and that there would be a lot of leasing and that kind of thing arranged, but that otherwise the act itself would apply and that would be the mechanism?

Mr. Kirkwood: It could take you into this in the normal course of events. The dispute resolution in the bill deals with the specifics of transfer, lease and so forth as it is attendant upon the policy in the bill.

Mr. Jackson: Does the dispute mechanism referred to in your memorandum letter specifically imply or set out between two boards, or is it between the ministry and the board that is giving up, surrendering or leasing or selling?

Mr. Kirkwood: It deals with two boards.

Mr. Jackson: It can be a dispute between two boards. Does the final say in that dispute mechanism go to the minister?

Mr. Kirkwood: Yes.

Mr. Jackson: What is the final tribunal in that instance? Is it just the minister?

Mr. Kirkwood: It is a two-phase activity which ends up with the minister making the final decision.

Mr. Jackson: It is clear in this bill that the concept of value will be foreign and separate from the tribunal. Is that what we were led to believe by Mr. Reycraft?

Mr. Chairman: The question of value of the properties that we are talking about here is separate from Bill 30 and based on what is in the Education Act.

Mr. Reycraft: Together with the regulations, yes.

Mr. Jackson: If there is a dispute about whether to declare a building as one that should be eligible for a transfer, it will be handled by the tribunal. Once that process is over and done with, if there is an outstanding dispute in terms of the value of what should and should not transfer, that will be dealt with by the minister through this mechanism.

Mr. Reycraft: I believe that is correct.

Mr. Chairman: Mr. Kirkwood was nodding in concurrence with that.

Mr. Jackson: I would like to be directed in the bill to the section where there was reference to changing the regular time allowed in the school closure policies of the various boards. What section was that in?

Mr. Chairman: There are several conversations going on here. Do you need help from Mr. Kirkwood on this?

Mr. Reycraft: I need some help from someone.

Mr. Jackson: Please direct me to the section of the bill which refers to the comments about declaring schools surplus or redundant and the time frame for school boards to deal with that.

Mr. Kirkwood: That is in the Education Act, clause 150(1)6 which allows boards to “determine the number and kind of schools to be established and maintained and the attendance area for each school and close schools in accordance with policies established by the board from guidelines issued by the minister.”

Mr. Jackson: That process has guidelines; was there not a reference to it in this bill or is it in the regulations, that the process of public hearings take approximately two years?

Mr. Kirkwood: That is found in a B memorandum.

Mr. Jackson: Has there been anything in this bill, either to be considered or already approved, which makes reference to changing that?

Mr. Chairman: Not that I can recall.

Mr. Kirkwood: There is.

Mr. Chairman: There is? Faulty memory again.

6 p.m.

Mr. Kirkwood: I am looking for the page in the compendium. It is on page 33.

Mr. Jackson: This is a government amendment. It reads, "Paragraph 6 of subsection 150(1) does not apply in respect of the transfer or use of property under sections 136a to 136xa."

I hope it is all right that I am pursuing it here since we are dealing with the transfer, the tribunal and arbitrating matters.

Mr. Chairman: I can see the connection. The difficulty is that the section we are on at the moment deals with the decisions that may provide for transfer of use. It is not really talking about the financial side of it at this stage. I understand why you want to raise it in this context. You have gone this far so you might as well continue.

Mr. Jackson: The two themes we feel the current government amendment is noticeably void in are the ones of public participation and of compensation. We have tested the notion of public participation. That has been voted down. I want to make sure we do not lose track of the fact that the only recourse for a public or separate board with respect to the matter of the transfer of properties is in the section we are currently considering.

Mr. Kirkwood, so I can put this in perspective, you have referred me to the ministry memorandum and section 150. We are now saying that once this bill gets approved and if this section gets approved, that will not apply.

Mr. Kirkwood: That is correct if this amendment were to pass, because the bill itself provides for a mechanism for dealing with this type of situation.

Mr. Jackson: All right. Pardon me for asking such a basic question but who is going to tell this public board that it should be freeing up a school for the separate board if there is no trigger mechanism? All we have within the total package of this bill is something which talks about short-circuiting the process for declaring it redundant and we have a tribunal which will arbitrate.

Mr. Chairman: Subsection 10 seems to deal with this in terms of the minister issuing an order based on—

Mr. Jackson: No. That is after he has a conflict and where both parties agree.

Mr. Chairman: I see.

Mr. Jackson: It is like negotiating. They say, "Yes, we both agree it is on the table." That is the only time the tribunal can occur on an item. Is that correct, Mr. Revell? The tribunal cannot meet on a matter that only one party wishes to bring to the table. It has to be in dispute.

Mr. Chairman: That is enough, is it not?

Mr. Revell: That would do it. If one party is not happy, then you have an issue in dispute.

Mr. Jackson: All right; fine. For example, if my separate board would like to get one of the public high schools—which it does, because most of them are at half enrolments—it is sufficient for it merely to state to the planning and implementation commission under this that it feels hard done by or its programs are being adversely affected because the public board will not offer it a high school. I want to understand what we are approving here.

Mr. Chairman: As I see it, they go to a mediator first, where there is one. If a mediator is unable to effect an agreement between the parties cited in subsection 136x(6), this tribunal comes into effect. If the tribunal so decides, given the powers under subsection 8 we are now dealing with, it can inform the minister. He can write an order stating that the school be turned over or not.

Mr. Jackson: Okay. We have arrived at that situation in the hypothetical case I am working on in order to complete my understanding, assuming the section you referred to on page 33 gets approved.

Both school boards argue; it goes through the process of mediation; then the tribunal arbitrates a final decision for the minister. The decision has been made; we do not go through the process set out in the act. The minister's order would then contain—no doubt, because he would have that power—the final decision with respect to when it will transfer and whether the funds should transfer.

Mr. Kirkwood: The funding itself would come under the general legislative grant regulation.

Mr. Chairman: As I understand it, we are talking about two different things. We talked about the money side of things, and then subsection 150(1) of the act. Those are two different matters.

Mr. Kirkwood: Right.

Mr. Chairman: Money matters, then, are still handled under the old process. What the minister can do through this tribunal system is say, "That building must be transferred on such and such a

date." He can also order that it be retransferred, as you have down here later.

There seems to be an emphasis on leasing and that kind of process, rather than the actual sale of buildings. If there were a sale, the present legislation would work in terms of resolving the question of how much money should be involved, but that would be separate from the decision in this act to actually effect the transfer.

Mr. Jackson: I am sorry to belabour the point, but this is an item causing me considerable concern. Would the ministry's position be that if a school board had commenced its two-year process for declaring the school redundant, it would not be eligible to be discussed as a tribunal item?

Mr. Kirkwood: If it came within the description in the bill in terms of extension, it could very well come under the bill as opposed to the process; but not being a lawyer and knowledgeable about due process, I would not be able to comment with any great certainty on that.

Mr. Jackson: I raise that because there have been accusations that a public board could delay the transfer of a facility by hiding under this section. However, there are legitimate cases where a school board is going through legitimate consolidation and wishes it in the best interests of public education. The two-year consolidation process would then pop up a candidate school. On the other hand, the impatience of the Catholic board in some instances—and rightly so, because of nonfunding for capital—would result in its saying, "We would specifically like that school."

I am concerned about this. I need help from the ministry to explain to me how we are going to overcome that conflict. The process you have already laid out in legislation separate from Bill 30 for proper and sensitive utilization of public input comes up with—well, you understand my question.

How do we protect both systems from getting caught in this situation, all the while being reminded that this whole section does not have any involvement for the public?

6:10 p.m.

Mr. Kirkwood: It seems to me there is a provision for boards to come to some agreement. The premise behind these sections of the bill is ultimately to get boards to agree to do things that are in the best interest of the community. A tribunal situation is a court of last resort.

Mr. Chairman: I am not sure we can resolve this in absolute terms of what the paramountcy would be of the one form or the other. I do not

know whether it helps or hinders, but if you look at subsection 7 of the government amendment, it allows the tribunal to decide it can look at almost any matter either system decides is essential to it, whether it is for the preservation of public education or whether it is to allow the Roman Catholic board to provide a real secondary program. It seems to say the tribunal can look at something, even if it is that other process, and then make a recommendation to the minister.

Mr. Jackson: All right. As legislators, I feel we have left a window for some misunderstandings to be created. When the ministry goes out to explain this new bill, I hope it is able to tell boards to get on with their secondary consolidation plans because there is this obvious contradiction. That is the only way I can look at it after it has been fully explained to me. There is a contradiction between a process for declaring a school redundant in the public system, and the transfer of one and how sensitively we handle it.

I hope my concerns do not come back to haunt, because it would be unfair to this bill if it all boils down to bad feelings about the way the government handles this. God knows, if we put boards in this mess, we will have less ability to get them out of the problem. That has been the history in this province for many years.

I understand it better so I can explain it to my two boards. I hope they will overcome it.

Mr. Chairman: One of the things they will appreciate in comparison to the way it was is that it is not the planning and implementation commission but an actual independent tribunal which can weigh these matters a little better.

Mr. Jackson: It might offend the public even more that you have a couple of hired guns whose duty it is to arbitrate to a single decision. They come in and determine that a given high school is going to be ripped out and given to another system on two or three months' notice. It should not end up that way. There is no publicly elected individual accountable for this action. This should not happen in Ontario in the 1980s.

This tribunal process is a long one. I have not added up all these numbers, but we are looking at four or five months, are we not, Mr. Reycraft?

Mr. Reycraft: I am sorry. What are you adding up?

Mr. Jackson: The trigger time to the completion of the minister's final statement on a tribunal process.

Mr. Chairman: The only actual number of days involved is 60 days. We will try to stick to subsection 8 if we can.

Mr. Jackson: I am finished my line of questioning.

Mr. Chairman: Is there anything further on subsection 8? All those in favour of subsection 8, please indicate. Carried.

Mr. Davis: Before you move to subsection 9, is it possible for us to move back to section 136v?

Mr. Chairman: Do you want to leave this section and go back with 15 minutes left?

Mr. Davis: Yes we do.

Mr. Chairman: Is there consensus to do that? Agreed.

Section 136v is the motion moved by Mr. Jackson from last evening, which we dealt with. We received written notice of your past motion, and I presume you now want to withdraw this one and replace it with another which may be quite similar or even somewhat different from the one we received at 2 p.m.

Mr. Jackson moves that subsection 136v(2), as set out in section 2 of the bill, be struck out and the following substituted therefor:

“(2) The criteria are that the method,

“(a) must permit the Roman Catholic school board to provide viable secondary school education;

“(b) must promote the best interests of public education in Ontario;

“(c) must ensure the viability of the secondary school program offered by the public board, especially in single-school communities;

“(d) must ensure that no community with a single public board secondary school will lose that school as a result of the extension of the Roman Catholic school system to include secondary school education, except and unless a public school board agreed; and

“(e) shall not adversely affect the best interests of students attending the public board's schools.”

The motion is clearly in order as an amendment to Mr. Allen's motion.

Mr. Davis: It is pretty straightforward. The protection for the public school boards in the single-school communities has been our concern. We believe the addition of clause (d) does that and guarantees to those schools the right to keep the schools as the extension goes on. The minister agreed yesterday to the inclusion of “viable” in clause 136v(2)(a), and it fits in with the planning and implementation commission; so we are very happy with that amendment.

Mr. Chairman: You should be; it is yours.

Mr. Davis: We hope we will have support for it.

Mr. Reycraft: I have a couple of procedural questions. First, can we vote on these clauses individually?

Mr. Chairman: Can we divide it? Certainly.

Mr. Reycraft: Second, clause (d), as proposed, includes the element of local autonomy, which I expressed concern the previous amendment did not contain. We are prepared to support it in principle but have some difficulty with the wording of it. I would like to suggest a change, perhaps as a friendly amendment, to clause (d). It would have the effect of changing the third line so that clause (d) read as follows: “must ensure that no community with a single public board secondary school will lose that school as a result of the election of a coterminous Roman Catholic school board to provide secondary school education, except and unless a public school board agreed.” The third line will read “...election of a coterminous Roman Catholic school board to provide....”

Mr. Davis: That is fine. We understand some language may have to be changed as we go through the bill as it connects back through.

Mr. Reycraft: I have one further point and it is my fault. I omitted the word “separate” after “Roman Catholic.” It should read “...a coterminous Roman Catholic separate school board....”

Mr. Chairman: All right. Is it a friendly amendment?

Mr. Davis: Yes.

6:20 p.m.

Mr. Chairman: We will take these clause by clause.

The first one reads, “(a) must permit the Roman Catholic school board to provide viable secondary school education.

Is there further discussion? All those in favour please indicate. Carried.

Clause (b) reads, “must promote the best interests of public education in Ontario.”

Is there any discussion? All those in favour please indicate. Carried.

Clause (c) reads, “must ensure the viability of the secondary school program offered by the public board especially in single-school communities.”

Is there any discussion? All those in favour please indicate. Carried.

Clause (d) reads, “must ensure that no community with a single”—

Mr. Revell: I have just seen this for the first time. It is a policy issue, but I would appreciate, as on previous occasions, that if the motion carries, there is an opportunity to bring back

perhaps a slightly revised wording of it at Thursday's meeting.

Mr. Chairman: I think it is understood. It has been helpful in the past. If you can do it by Thursday on whatever is passed, that would be good.

Clause (d) reads, "must ensure that no community with a single public board secondary school will lose that school as a result of the election of a coterminous Roman Catholic separate school board to provide secondary school education, except and unless a public school board agreed."

Is there any discussion? All those in favour please indicate. Carried.

Clause (e) reads, "shall not adversely affect the best interests of students attending the public board's schools."

Is there discussion?

Mr. Reycraft: In the light of clause (b) and previous sections of the bill, we feel clause (e) is redundant and we will oppose it.

Is there any further discussion?

Mr. Jackson: We would like a recorded vote.

The committee divided on Mr. Jackson's amendment to subsection 136v(2) of the act, which was negated on the following vote:

Ayes

Baetz, Bernier, Davis, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Ayes 4; nays 6.

Mr. Chairman: Shall subsection 136v(2), as amended, carry?

All those in favour please indicate. Carried.

We are on section 136v. You just amended subsection 136v(2), but there is subsection 3, which I do not think we ever got around to.

It reads, "Upon receipt of the notice, the boards shall negotiate in good faith in respect of the matters specified by the commission in order to meet the criteria set out in subsection (2)."

As I recall, there are no amendments on this in the compendium. It is just the straight, good-faith bargaining one.

All those in favour please indicate. Carried.

Is section 136v, as amended, agreed to? Carried.

Mr. Reycraft: I have a section 136xb which it might be appropriate to introduce at this point.

Mr. Chairman: We have not finished section 136x, unfortunately.

Mr. Reycraft: I am sorry.

Mr. Chairman: We also, if I remember—perhaps you can help me on this—moved back in midsection and we had a section 136va, as I recall moved by the Conservatives. Does that now disappear because of section 136x, Mr. Davis? It is all on the transfer of public properties, which is essentially what section 136x was dealing with through the tribunal.

Mr. Davis: No, that stays.

Mr. Chairman: Do you want to move back to section 136x, where we were, and then come back to this?

Mr. Davis: Yes.

Mr. Chairman: We are moving to section 136x again. We passed subsection 8. This is now subsection 9.

It reads, "The tribunal shall give to the minister its decision in writing, together with written reasons therefor, and the record of the proceeding forthwith after making the decision."

Is there any discussion? There are no amendments to this subsection. Oh, yes, there are.

Clerk of the Committee: Yes, the Tories' amendment.

Mr. Chairman: Yes, that would apply to the new subsection. Mr. Davis, do you wish to move that?

Mr. Davis: That is covered in subsection 10.

Mr. Chairman: I think so, too.

Mr. Davis: It is sent off to the parties, which is what we were concerned about; so we withdraw that.

Mr. Chairman: We will take them one at a time, then.

All those in favour of subsection 9, please indicate. Carried.

Subsection 10: "The minister shall issue and transmit to the parties an order in the terms of the decision, together with a copy of the decision and the written reasons for the decision."

All those in favour, please indicate. Carried.

Subsection 11: "Real property that is the subject of an order under subsection 10 is not subject to expropriation by a public board, but upon application the minister with the approval of the Lieutenant Governor in Council may,

"(a) order the retransfer, subject to such conditions as are specified in the retransfer order, of the use or ownership of all or part of the real property or personal property, or both, that was transferred in accordance with an order under subsection (10);

"(b) by order vary or rescind an order under subsection (10) that provides for the joint use of any real property or personal property."

Is there any discussion?

Mr. Jackson: Can you explain what a retransfer is?

Mr. Chairman: A building that had been transferred to the Roman Catholic system, for instance, could be transferred back to the public system subject to the conditions indicated there. What was done in subsection 10 could presumably be undone, if that was the decision of the two boards.

All those in favour, please indicate. Carried.

Subsection 12: "The Expropriations Act does not apply in respect of the transfer or retransfer of real property or personal property in accordance with an order under this section."

This is because there are sections under the Education Act, plus this act, which deal with that.

All those in favour, please indicate. Carried.

Subsection 13: "The minister shall cause a copy of an order made under this section to be filed in the office of the registrar of the Supreme Court, exclusive of the reasons therefor, and the order shall be entered in the same way as a judgement of the Supreme Court and is enforceable as such."

Does legal counsel wish to explain that, or is that satisfactory?

Mr. Davis: I would like him to explain. Is this the judgement that has just come down? Can you explain it to me?

Mr. Chairman: Yes. A copy of an order made under subsection 10 by the quasi-judicial body, the tribunal, will be sent forward to the Supreme Court and have the same effect as a judgement of the Supreme Court. Is that the case?

Mr. Revell: Yes. Normally, it would be difficult to enforce the orders of these kinds of tribunals. Several statutes provide for a very similar enforcement mechanism, the most

notable being the Labour Relations Act. All decisions of the Ontario Labour Relations Board are enforceable as orders of the Supreme Court of Ontario.

Mr. Davis: I do not have any problems, but does it go there or does it go further down? It appears to me that after subsections 13, 14 and so on, there is an opportunity for a petition of the judgement.

Mr. Chairman: As I understand the process, it goes as a judgement and is then appealed.

Mr. Davis: Okay. That is fine.

Mr. Chairman: Is that correct—about the ordering of things, the petition and so on?

Mr. Revell: I think I understand Mr. Davis's question. The way I read this provision is that it applies to any order made under this section by the minister. The order may be enforced through a court order. However, the orders subsequent to subsection 13 are of a different kind. The subsection 15 order is an order for a new hearing. It would not normally be entered in the Supreme Court of Ontario and would not require enforcement through Supreme Court mechanisms.

Mr. Davis: Just for clarification: as I understand it, flipping back to subsection 10, the tribunal has made its decision. It is ordered into the office of the Supreme Court, but that decision is now appealed.

Mr. Chairman: It can be appealed.

Mr. Davis: It can be appealed, but that does not affect the appeal process. If the appeal process reverses that decision, is it just rerecorded? Okay, fine. I appreciate that.

Mr. Chairman: Let us take the vote on subsection 13 and then call it a day. All those in favour of subsection 13, please indicate. Carried.

Mr. Chairman: When we reconvene on Thursday, we will commence with subsection 136x(14).

The committee adjourned at 6:30 p.m.

CONTENTS

Tuesday, June 10, 1986

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-303
Adjournment	S-318

SPEAKERS IN THIS ISSUE

- Bernier, L. (Kenora PC)
- Davis, W. C. (Scarborough Centre PC)
- Epp, H. A. (Waterloo North L)
- Jackson, C. (Burlington South PC)
- Johnston, R. F., Chairman (Scarborough West NDP)
- Offer, S. (Mississauga North L)
- Reville, D., Vice-Chairman (Riverdale NDP)
- Reycraft, D. R. (Middlesex L)

Witness:

From the Ministry of Education:

Kirkwood, W. T., Education Officer, Legislation Branch



No. S-14

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Education Amendment Act

Second Session, 33rd Parliament
Thursday, June 12, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, June 12, 1986

The committee met at 3:59 p.m. in room 151.

EDUCATION AMENDMENT ACT (continued)

Consideration of Bill 30, An act to amend the Education Act.

On section 2:

Mr. Chairman: We are currently dealing with section 136x. Since it has been a couple of days, perhaps Mr. Reycraft would remind us what 136x is about before we get down to the subsection, or should we leap right into it? We left off at subsection 136x(14)

Mr. Reycraft: Section 136x deals with the resolution of disputes before a tribunal following the failure of boards to arrive at an agreement with the assistance of a mediator. We have proceeded as far as subsection 14.

Mr. Chairman: I remember that when we got to this stage Mr. Jackson had a number of questions. Here he comes now. Perhaps he would want to go over some of those concerns he had on that subsection. I will give him a chance to settle in before we proceed, so that we do not rush things too quickly.

Mr. Reville: We could start with the descriptions at the beginning.

Mr. Chairman: That probably will not be necessary.

Mr. Davis: Do we have to confirm the legislative counsel's rewriting of the section we passed, clause 136v(2)(d)?

Mr. Chairman: It has not yet been given to me, but we will have to—yes, there it is. We will proceed through section 136x and then go back to section 136v. Mr. Jackson, you had the floor at the time of our adjournment. You were dealing with subsection 136x(14). Do you have any further comments that you wish to make on that section?

Mr. Jackson: I yield to the member to my left.

Mr. Davis: Mr. Jackson can continue, but I want to point out a clarification. Before we can vote on subsection 14, is it here or after that that our amendment on subsection 136x(13) would kick in?

Mr. Chairman: Your amendment would have to be an amendment to subsection 14, as I

see it. You could move it, if you wish to, at any time now.

Mr. Davis: Our subsection 14 is incumbent upon their subsection 14. Let me move them both and we can have some discussion.

Mr. Chairman: Mr. Davis moves that subsections 136x(14) to (16) of the act, as set out in section 2 of the bill, be struck out and the following substituted therefor:

"136x(14) Upon receipt of a petition by a party to the proceedings within 28 days after the date of the decision or order of the commission, the minister shall require the Education Relations Commission,

"(a) to appoint a new tribunal;

"(b) to hold new hearings;

"(c) to confirm, vary or rescind the whole or any part of the decision or order of the planning and implementation commission; and

"(d) to inform in writing the minister, planning and implementation commission and the parties of the tribunal's decision and the reasons for it.

"(15) Upon receipt of a petition by a party to the proceeding before the tribunal of the Education Relations Commission within 28 days after the date of the decision or order of said tribunal, the minister shall,

"(a) meet with the parties to review the whole or any part of the decision or order;

"(b) confirm, vary or rescind the whole or any part of the decision or order; and

"(c) inform in writing the Education Relations Commission, the planning and implementation commission and the parties of his/her decision and the reasons for it."

I am not sure they are in order. The difficulty is that yours were presented presuming the Education Relations Commission would be mentioned prior to this and have some role in the establishment of the tribunal. The system that has been established, which we have passed to this point, is a tribunal established by the minister without any reference to the commission. What we are now bringing in with your two references to the Education Relations Commission is a new reference point, which is not really set up in the previous subsections.

Mr. Davis: I would like to have some discussion first and see what Mr. Reycraft's

intent is. We may be able to solve part of that by simply changing the wording that the second hearing would be held before the Education Relations Commission.

Mr. Reycraft: Perhaps I misinterpreted Mr. Davis's amendment, but it talks about requiring the Education Relations Commission to—

Mr. Davis: No.

Mr. Reycraft: —“(a) appoint a new tribunal” and “(b) to hold new hearings.” Is it your intent that the tribunal would hold new hearings or that the commission would hold new hearings?

Mr. Davis: The tribunal.

Mr. Reycraft: I would point out that clauses 14(a) and (b), as I have put them forward, provide that the Lieutenant Governor in Council may select, as an option, a requirement for the minister to appoint a new tribunal to hold a new hearing on the same issue. Is the same objective not accomplished by our amendments?

Mr. Davis: That is why I wanted you to explain the new tribunal for me. Is that a whole new tribunal or the same one?

Mr. Reycraft: It says the minister would appoint a new tribunal. I would interpret that to mean three new people who had not been involved either in the previous tribunal or previously in that issue.

Mr. Davis: Okay, Mr. Chairman, then we can withdraw our section. The government is creating a new tribunal for a new hearing, which is what we wanted. We were going to move to the ERC, but I understand that the first and second tribunals will come out of a pool that will be formulated. Correct? We will withdraw this then.

Mr. Reycraft: I do not want to mislead the member. The requirement for a new tribunal is put forward as an option. The Lieutenant Governor in Council may select one of two or three other options. Clause (a) indicates that the Lieutenant Governor in Council may “confirm, vary or rescind the whole or any part of the order; or”—

Mr. Davis: Perhaps I could have some clarification. There has already been a tribunal appointed that is nonpartisan. It made a recommendation to the minister. The minister now has to decide whether to enforce it, which puts the responsibility exactly where we would like it to be, that is, at the minister's desk.

Mr. Reycraft: The minister issues an order in the terms of the recommendation he receives from the tribunal. Then, if there is an appeal

within 28 days of the issuance of the order, the Lieutenant Governor in Council makes a decision on one of the other options.

Mr. Davis: That is right. That is exactly where we would like it to be.

Mr. Reycraft: Good.

Mr. Davis: We have another step there. We are prepared to withdraw.

Mr. Chairman: The two motions, which may have been out of order, anyhow, are now withdrawn. Thank you. I am back to subsection 14. Any further discussion?

Mr. Sterling: Because I am in on this at a late date and substituting, there is one part I have a particular concern about in the Ottawa-Carleton area. There is a unique situation in which the Carleton Board of Education has two franco-phone high schools. In 1988, we are going to have a French-language school board in Ottawa-Carleton.

My understanding is that the Carleton Roman Catholic School Board is asking for those two schools to be transferred to its administration.

Mr. Chairman: An en bloc transfer?

Mr. Sterling: What will probably happen is one transfer to one board and then perhaps another transfer to another board. In the meantime, there is considerable confusion.

I wondered whether that had been dealt with by the ministry, or how it is dealing with that particularly unique situation.

Mr. Chairman: That would not really fall under the subsection we are looking at, but we will recognize that Mr. Sterling has not been with us up until this point, except for some of the hearings and so on.

Mr. Sterling: I do not know where it would come in the decision-making process. I guess this is getting to the end of the process in terms of the transfer of real property.

Mr. Chairman: We are now down to the whole question of a tribunal when there is no agreement about how that should be done.

Mr. Sterling: That is right. There will probably not be agreement in this particular case.
4:10 p.m.

Mr. Chairman: Earlier on—and correct me if I am wrong, Mr. Reycraft or ministry officials—there would be a regular request made in the plan by the Catholic board to have an en bloc transfer. There would be a response to that by the public board.

In this case, there might be a conflict indicating that those schools or a school should

stay within the public system. A recommendation would come forward from the Commission for Planning and Implementing Change in the Governance and Administration of Secondary Education in Ontario, which would go to the desk of the minister. The minister may or may not approve what the planning and implementation commission wishes. It may decide that there would not be en bloc transfers at all or, as you say, it might split them one way or the other.

At that point, there is a tribunal system which comes in. Mr. Kirkwood, how does that get triggered again?

Mr. Kirkwood: The commission looks at the things that have to be determined and then provides assistance under section 136w, which takes you to the mediator and then ultimately to the tribunal.

Mr. Sterling: The problem that we have here is that all the students who are going to these two high schools—Garneau École secondaire is one and I do not know what the other one is—do not want to transfer to the separate school system. It probably will be under the French-language board system in the end. You are then requiring a student to step out of a school for perhaps a year, a year and a half or two years with considerable dislocation in the whole matter. Because the Ottawa-Carleton situation is different from any other in the province, there was a request that any transfer of those two schools be delayed until 1988.

Mr. Chairman: We do not have the minister here, but it is within the power of the minister to decide to do just that.

Mr. Sterling: Has he made a public statement in that regard?

Mr. Chairman: I do not know. We will ask the parliamentary assistant.

Mr. Reyecraft: There is a committee under Mr. Roy currently looking at the situation in the national capital area. The ministry is awaiting the recommendations of that committee. It is the intent to proceed in that area as a result of those recommendations.

Mr. Sterling: I think that has more to do with the setting up of the French-language board than it has to do with the specific schools. I do not know whether they are dealing with particular situations.

Mr. Chairman: Has there been a public announcement? I have not heard one. However, it is currently within the powers of the minister both within and outside of the act to determine

that it is not appropriate to have any shifts of buildings, students or whatever.

Mr. Davis: We have an amendment that will be coming up. We are prepared to accept the government amendment, which says that in five years there will be no transfer of buildings unless both the public and separate boards and the minister agree, that would deal with the franco-phone situation.

Mr. Chairman: It could.

Mr. Davis: Is the amendment the government gave me no longer in good standing? I assume it is still in good standing.

Mr. Chairman: I have no idea. I am not privy to any of this type of discussion.

Mr. Davis: I will read it when we get there.

Mr. Chairman: Perhaps we should move along. If there is an appropriate time when we can have that debate—to be candid the specific issue of what may be done in a specific case is one that would have to be asked of the minister. His powers under the act are clearly to delay that as long as he chooses.

Mr. Sterling: I want some affirmation that he is going to utilize that power. My representation in the area and my feeling on the issue is that there is a good case for a delay for two years at least on that particular one.

Mr. Chairman: He has told me he will not be down this afternoon. It may have to wait for question period at the beginning of the week.

Mr. Sterling: This will probably go to the committee of the whole House.

Mr. Chairman: Yes, I imagine it will. I have no idea where it goes from here, if and when we ever report it back.

Mr. Allen: I want to inquire whether Mr. Sterling's concern is principally with the dislocation of movements of students and schools or whether it is with the actual transfer and purchase.

Mr. Sterling: I do not really care who owns the building; my concern is more with the students and the jurisdiction over students.

Mr. Allen: I am not sure whether the member is aware that the planning and implementation commission in at least one other pretty sensitive community has forestalled the en bloc transfer of a French school under those circumstances.

Mr. Chairman: I would think there has been precedent set for delay. Let us put it that way.

Mr. Sterling: It is unfortunate that the minister is not here, but perhaps his staff can give

me some definite position on this because they will want to know a definite position when I get into the Legislature.

Mr. Chairman: There is nobody here at this point who can speak for him. His presence is a blessing or otherwise, depending on how one views the speed with which one wants to deal with the act, I have found. Why do we not proceed with subsection 136x(14) now and see if perhaps somebody can find out if there is any decision made on this at this point. I rather doubt it.

Is there anything further on subsection 136x(14)? All those in favour, please indicate? Those opposed? Carried.

“(15) The order of the minister after a new hearing ordered by the Lieutenant Governor in Council is not subject to petition under this section.”

Mr. Reycraft: This provides that at some point a decision of the minister becomes final. We cannot go on endlessly petitioning and obtaining reviews, reconsiderations and appeals of the Lieutenant Governor in Council.

Mr. Chairman: Is there any discussion of subsection 15? All those in favour, please indicate? Those opposed? The motion is carried.

“(16) Upon the filing of a petition, the minister shall file with the clerk of the executive council the decision and written reasons therefor of the tribunal and a copy of the order of the minister.”

Is there any discussion? All those in favour, please indicate? Those opposed? Carried.

“(17) The Lieutenant Governor in Council is not required to hold or to afford to any person an opportunity for a hearing before deciding upon a petition under this section.”

Mr. Davis, do you want to talk about the absence of public hearings here? In subsection 17 there is no provision for a hearing before deciding on the petition.

Mr. Davis: For a government that has indicated that it is open—no windows, no bars—I have found, as we have gone through here, that it has systematically excluded. I would not suggest anything.

Mr. Chairman: I am always open to an amendment if you would like to move one.

Mr. Davis: No. I am not usually very successful in that.

Mr. Chairman: You never can tell. There have been some changes. Perhaps it would be wise to come up with another one at this point? No.

Mr. Davis: No.

Mr. Reycraft: I would draw to Mr. Davis's attention that there has been ample opportunity provided for input by boards of education, the public they represent and the employees all along the process before we got to this stage. Pardon?

Mr. Davis: Boards do not represent the public.

Mr. Chairman: Do you want to say that on the record, Mr. Davis?

Mr. Reycraft: Would you like to repeat that, Mr. Davis? A past chairman of a board of education does not think a board of education represents the public? Very interesting.

Mr. Epp: They represent 25 per cent of the public votes.

Mr. Davis: Not always. Ask about closing schools and ask them if they represent the wishes of the public when schools are being closed.

Mr. Chairman: I know you do not want to name names.

Mr. Davis: No, I would not want to do that.

Mr. Allen: I am a little concerned that Mr. Davis, who has wanted everybody and his dog involved in every process of this whole operation, is now so unconcerned about the absence of an opportunity and the preclusion of an opportunity for a hearing. I would like to hear from legislative counsel what the legislative precedent is with regard to this kind of a provision. Is it a common occurrence at this stage of a tribunal and hearing determination process for this exclusion to take place?

Mr. Revell: I do not think it would be fair to say it is a common provision. I can think of it being in at least one other act. It, or something very similar to it, is in the Loan and Trust Corporations Act, for example.

The reason for provisions like this is it is not altogether clear whether the Lieutenant Governor in Council would be required to hold a hearing. There are numerous cases that say no, decisions of the Lieutenant Governor in Council, while they may have a judicial nature, are a type of political decision and are not subject to review by the courts. A provision such as subsection 17 is really a preclusion that clarifies what I believe is the law with respect to this kind of decision.

Mr. Davis: Does this mean they do not have to hold a second tribunal?

Mr. Chairman: Yes.

4:20 p.m.

Mr. Sterling: As I understand it, this section is basically saying that the cabinet meeting can be

in secret. That is what the section says. You do not have a chance as an appellant. You place your appeal in writing to the Lieutenant Governor and then the cabinet decides whether it is going to give it. All it does is say that specifically in words so you cannot demand a hearing in front of cabinet.

Mr. Chairman: That is similar to the Ontario Municipal Board and other types of things.

Mr. Davis: That is what I thought it was.

Mr. Chairman: Any further discussion on subsection 17? All those in favour, please indicate. The motion carries.

Subsection 18 states, "The head of the tribunal and the other members of the tribunal who are not officers in the public service of Ontario shall be paid such remuneration as may be fixed by the Lieutenant Governor in Council and, subject to the approval of Management Board of Cabinet, the reasonable expenses incurred by them in the course of their duties under this act."

Does anybody want to know how much this might be?

Mr. Jackson: Is Rosemary Speirs here?

Mr. Reycraft: A dollar a day.

Mr. Chairman: Or less. We are dealing with all sorts of volunteer social work which is being done by members of corporations for the government.

Mr. Davis: Could Mr. Reycraft clarify for me "who are not officers in the public service of Ontario"? Is there an intention to create a specified body of individuals who will become tribunal people? Do we have a group of mediators now who are paid for by the Education Relations Commission? Are you saying this tribunal could come out of the ERC?

Mr. Reycraft: I suppose it could. I do not know that the intent at present is to have them come from that body.

Mr. Davis: Would you like to try to define for me the officers in the public service of Ontario whom you may draw on for this tribunal?

Mr. Reycraft: No, I would not. I am sure there are others here who can define that quite succinctly.

Mr. Chairman: Would you like to try or should we adjourn until we can get somebody to come in?

Mr. Reycraft: No.

Mr. Kirkwood: He cannot answer that question.

Mr. Chairman: I am not sure that we can proceed along without having—Oh, you can, legal counsel.

Mr. Revell: This is another boilerplate-type clause. I do not know whether it was the intention of the ministry to appoint or not to appoint. In creating tribunals, it was standard throughout Ontario legislation to say that where there is a tribunal and there is a possibility that one of the members might be employed in the public service of Ontario, to exclude them from receiving remuneration both as a public servant and as a member of the tribunal. I think the common term is double-dipping.

Mr. Davis: Double-dipping? All right, I understand that.

Mr. Chairman: Any further discussion on subsection 18? All those in favour of subsection 18, please indicate. Those opposed? Carried.

Section 136x, as amended, is carried.

We now move back in the bill. This is what we have passed but we are cleaning up the language. I gather members have had this distributed to them. Am I correct in this?

Clerk of the Committee: Yes.

Mr. Chairman: This is clause 136v(2)(d). I probably need somebody to move it. Legal counsel cannot. Let us start with clause 2(c) and move to 2(d). Mr. Reycraft, would you like to move clause (c)? It is legal counsel's improvement of our language. It has been passed, but this will replace it with better language.

Mr. Reycraft moves that clause 136v(2)(c) of the act, as set out in the motion approved on June 10, 1986, be amended by inserting "secondary" after "single" in the second line.

The motion is in order. Would you like to speak to it?

Mr. Reycraft: I am having trouble finding what we passed.

Mr. Chairman: Why does legal counsel not take us through this? That might be a good idea.

Mr. Revell: It was my understanding at the meeting on Tuesday that clause (c) was to refer specifically to single-secondary-school communities, not as drafted in the motion approved, which refers only to single-school communities and which could include elementary schools. Do you want me to explain the other motion, which is not on the table yet?

Mr. Chairman: No, we will just take them one at a time. Has the motion passed on Tuesday been clarified? Is there any discussion? It is to make clear that it is the secondary school we are talking about here, not any school.

Mr. Reycraft: It is to make clear that the communities we are talking about are those that have a single secondary school, as opposed to a

single elementary school and no secondary school.

Mr. Chairman: If that was the intent of what you were up to, I presume you will support it. If it was not your intent, you will vote against it.

All those in favour, please indicate. Carried.

Mr. Reycraft moves that clause 136v(2)(d) of the act, as set out in the motion approved on June 10, 1986, be struck out and the following substituted therefor:

"(d) must ensure, in a community that has only one secondary school operated by a public board, that the secondary school will continue to be operated by the public board despite the election to provide secondary education by a Roman Catholic school board having jurisdiction in the community, unless the public board decides otherwise."

Mr. Revell: There were a couple of elements in the motion as presented the other day that, on reflection, I thought might cause concern at a later stage. The first one was the concept of "will lose that school." In discussing it with Mr. Kirkwood of the ministry, we believed the concept was really that the school would be continued. This reflects that change.

The second thing that caused me some concern was the expression "coterminous." We have all been using "coterminous" in the committee room for a number of weeks; I am sure the members of the committee have been using it for a number of months, as I am a Johnny-come-lately. However, the expression "coterminous" has not been used anywhere else in the bill.

I thought we should use the concept of areas and jurisdiction, much as we did in section 136l. Although we have not used exactly the same terminology, I think this catches the idea exactly. I sent a memo to Mr. Reycraft and to the opposition critics covering this motion.

The third issue I neglected to raise in that memo was the idea of the public board agreeing. I did not know who it was going to agree with. I thought of the idea of a determination or decision, so I used the word "decides" to cover that.

Mr. Chairman: Thank you. Is there any discussion?

Mr. Allen: I had a brief discussion with legislative counsel prior to the session, but it might be helpful for the rest of the committee to hear his reflections on the word "community." In earlier discussions on the bill and that kind of language we had some trouble with it. We always wanted to use the word "jurisdiction," or

something of that order. Clearly, that does not apply in this case.

I recall how vaguely that word has sometimes been used in our history, not least of all with Joe Clark's ill-starred concept of Confederation as a community of communities. Obviously, the whole nation could be a community, or one little corner of it could be a community. I wonder whether legislative counsel would share his reflections on that with the rest of the committee.

4:30 p.m.

Mr. Revell: Dr. Allen raised specifically whether "community" is an acceptable word. I mentioned that it is a word that can cause concern for lawyers because it is vague. On the other hand, we are dealing here with a concept that is itself vague. There is a difference between a word that is vague and a word that is ambiguous. I do not think "community" is an ambiguous word; that is, having two meanings and not knowing which meaning we want to choose.

By using a word such as "community," which is vague, it will be open to the courts to determine exactly what is meant. The first place the courts would start would be a dictionary definition. Under the circumstances, "community" is an acceptable word for this provision, rather than trying to nail it down to something such as "town," "municipality" or some similar language.

Mr. Allen: In terms of the intent, which is fairly clear in this subsection, the operable meaning of the word stands out reasonably clearly. It should not be too difficult to put in practice.

Mr. Sterling: I have a couple of single-school communities in my riding. If one of them closed, kids would be transported 25 miles, instead of 10 or 15 miles. The situation is more critical in other areas. Maybe the ministry officials can help me out here.

If the school is forced to close through a combination of declining enrolment plus the transfer of Roman Catholic students to another facility—say the school goes down from 500 to 350 students—does the school board get from the provincial Treasury more money per student to run the 350-student high school or does it receive a proportionate amount down from the original 500?

Mr. Clifford: There is a small school grant that kicks in. I am not familiar with the number that triggers it. I can get it for you. There is a small school grant per pupil that comes when a school falls below a certain size.

Mr. Sterling: This is of some solace to me, but it is not of total solace because there will still be a financial squeeze on the public board to make a decision on that school.

Mr. Reycraft: Declining enrolment grants are also made available to schools for a temporary period while the enrolment drops.

Mr. Sterling: I see. It is the double whammy that I am concerned about.

Mr. Jackson: This has to do with the statements about clarifying what was meant by the loss of a school. The old wording stated that a secondary school will lose that school. I wanted to point out that was lifted by me from the Hansard of May 15, with specific statements made by the Minister of Education (Mr. Conway).

We all agree that the minister always speaks in clear, concise and well-understood terms. Since he assumes he is going to be the Minister of Education for some time, he would be left to interpret that section. Therefore, I thought it was harmless to put it in that fashion.

Mr. Chairman: The loss is because it is putting it in the positive. Is that the general thrust?

Mr. Revell: It was partly to put it in the positive. I think it is one thing to talk in common parlance about losing a school. It is another thing to talk about it when it comes to interpreting the law. It is like the word "coterminous." That is another concept we have used a great deal.

Mr. Jackson: I did not mean to debate it. I wanted to clarify that whence cometh the concept was with the assurances of the minister. I am delighted we could get the support to put it into the bill.

Mr. Chairman: That is probably what swung things around for you.

Mr. Reycraft: I was sure Mr. Jackson, as well as any of us, could relate more closely to the word "loss," given specific circumstances such as York East a short time ago and things such as that.

Mr. Jackson: Your hair.

Mr. Reycraft: My hair.

Mr. Jackson: This bill.

Mr. Sterling: I understand it was discussed before and rejected by the Liberals and the NDP, but I would have preferred some guarantee of the same level of program for the students in the school, after the effects of taking the Roman Catholic students out of the school. I understand you have dealt with it and that has been rejected.

Mr. Chairman: One of the comments made was that the school that continues will have to meet the minimum requirements of the Ontario Schools, Intermediate and Senior Divisions guidelines, at the least amount. That is where I gather the very expensive grants kick in to ensure that the small school has a chance to be able to do that.

Mr. Sterling: It is not giving the students of single-school communities the same level of programming they would have if the system had stayed in place as it is now.

Mr. Chairman: Any further discussion of clause 136v(2)(d)? All those in favour, please indicate. Carried.

Section 136v, as amended, is carried.

Mr. Davis: This will be the moment to move to your amendments on section 136va.

It is on page 27 of the compendium.

Mr. Davis: Is that where it was? This is the other one. This is the transfer of the buildings; section 136xa. Just a minute.

Mr. Chairman: It is section 136va. There is a section 136xa as well.

Mr. Davis: What is 136xa? That is the transfer—

Mr. Chairman: That is a government motion. We do not have an official opposition amendment.

Mr. Davis: Their section 136xa is very similar to our 136va in the sense that all they have added to ours is the fact that "this section does not apply so as to prevent such a transfer before the anniversary if the public board and the Roman Catholic school board agree and the minister approves of the transfer."

I do not know which way you want to do it. I suggest we are prepared to accept that and—

Mr. Chairman: We can stand down yours if you want or move it.

Mr. Davis: We prefer to take theirs and add it on to the back of ours. Their wording is "anniversary," and we are quite amenable to that. I would like to read section 136va amended.

4:40 p.m.

Mr. Chairman: You could do that. You could read your initial section 136va and then move an amendment to it, or you could adopt what is in the body of section 136xa and read it into yours as an amendment.

Mr. Davis: moves that section 136va be added to the act, as set out in section 2 of the bill:

"(1) Notwithstanding any other provision of this act, the ownership of real property used for

purposes of a public secondary school shall not be transferred to a Roman Catholic school board before the fifth anniversary of the day this section comes into force and no mediator under section 136w or tribunal under 136x shall make a decision affecting the ownership of any such real property before that anniversary, but this section does not apply so as to prevent such a transfer before that anniversary if the public board and the Roman Catholic school board agree and the minister approves of the transfer."

Mr. Davis: That does exactly what we want to do in 136v(1), which is simply to say that for five years there should be no transferring. The new amendment recognizes that not all boards kick in at the same time and the anniversary date is a much fairer way.

Mr. Chairman: Just to be clear, do you want the rest of your section 136va to go with it?

Mr. Davis: Yes.

Mr. Chairman: Let us read it in first and then we will discuss it.

Mr. Davis moves that section 136va be added to the act, as set out in section 2 of the bill:

"(2) A Roman Catholic school board may lease public board property for the purpose of providing secondary school education at a fair leasing fee established by the ministry.

"(3) The minister shall appoint a task force composed of representatives of school boards, educators and ratepayers to advise the minister on guidelines to govern the transfer of property to and purchase of property by Roman Catholic school boards for the provision of secondary school education.

"(4) To advise the minister, the task force shall consult with organizations, groups and persons who will be affected by the transfer of property to and the purchase of property by each Roman Catholic school board involved in the transfer or purchase of property for the provision of secondary school education.

"(5) The task force shall be formed within six months of the provisions of this bill being proclaimed in force and shall report its advice to the minister in writing within three years of the date on which it was formed.

"(6) The minister shall establish and distribute the guidelines governing the transfer of property to and purchase of property by Roman Catholic school boards for the provision of secondary school education no later than four and one half years from the date the provisions of this bill are proclaimed in force."

I am trying to figure out whether it makes more sense for this to be an x section.

Mr. Davis: I would be happy to move that.

Mr. Chairman: I think it does. Let me just have a look at what we just passed. Looking over what we just passed in section 136v, it would make more sense in section 136x. What is the opinion of legal counsel?

Mr. Revell: Actually, that is why I numbered it 136xa, so we could deal with the powers of the tribunal and the mediator and then essentially freeze them for five years with respect to this.

Mr. Chairman: Since that would be the next section for us to deal with following what was your initial 136va, we will consider it. We are now discussing 136xa, which includes as its first subsection that which would have been introduced by Mr. Reyecraft and then the subsequent five sections that were in the initial Conservative motion, which had been listed as 136va. Would you like to speak to your motion?

Mr. Davis: Section 136xa, as we have amended and adopted the government's guidelines, we have no problem with. We certainly understand the right or the ability to transfer prior to those five years in some jurisdictions and we are prepared to live with that. It is our contention that until some process is worked out, the transfer of property should not occur within the first five years. We have no problem with that.

We believe Roman Catholic school boards should be allowed to lease public board property for the purpose of providing secondary education and that the leasing fee should be established by the ministry as long as it is fair. That allows the separate school boards access to the building stock that is available in jurisdictions in this province so they can establish their secondary schools.

We also believe, which is really subsections 3, 4, 5 and 6 tied up, that there is great concern in respect of what is fair and just compensation. I recall, as we went across the province, there were all kinds of figures mentioned. Representatives of both groups said it should be fair market value. Some say it should be based on some kind of formula.

Our position is that the minister should establish a task force or commission—whatever word is more appropriate—composed of representatives of the school boards, educators and some ratepayers on a provincial basis to draft some guidelines to govern the transfer of property and purchase of property by the Roman Catholic school board for the provision of secondary school education and that it advise the minister of that direction. He can then decide how he is to establish the bill and the process.

Within six months of the passage of this legislation, that task force should be established and its work under way.

It is a very complicated issue and not one that can be solved easily. The resolution of that issue would be more suitably accommodated by all the groups if they had some ownership of the final resolution, rather than an ownership being placed upon them by a committee such as the planning and implementation commission.

If the people of Ontario perceive that the decision has come out of the struggle of people in the educational family as well as ratepayers, it will be better accepted without creating great consternation in the deliberations and the transfer of property.

We believe that the two other parties—the government and the New Democratic Party—would support that kind of recommendation, namely, that it be done through the process of a commission, involving only people who are advising the minister, not those setting the criteria. He can accept or reject that advice and form guidelines from it.

Mr. Chairman: How would you like to proceed, Mr. Davis? We can deal with it as we have in the past, taking the entire package first, if you wish, then going back to it subsection by subsection in the votes. Would that be your preference?

Why do we not do that since that has been the way we have operated? We are dealing first with the package that has been provided; then we will go back to debate each subsection.

Mr. Reyecraft: What are we speaking on now?

Mr. Chairman: The entire section 136xa in any way you like.

Mr. Reyecraft: I think I might as well wait and address my comments to the specific sections as we deal with them, Mr. Chairman, rather than talking about them all at this point.

Mr. Chairman: Any further discussion on the general package, or do you want to move to the first subsection?

Mr. Allen: Subsection by subsection.

Mr. Chairman: Subsection 136xa(1): "Notwithstanding any other provision of this act," etc.—a five-year exemption or moratorium, however we wish to put it.

Mr. Reyecraft: As Mr. Davis has already indicated, we regard with favour his suggestion that it is appropriate there be a period after proclamation of the legislation before any transfer of real property from one board to another should occur.

We were concerned that there might very well be situations in the province in which both boards of education might wish to see a transfer of real property occur. If the minister approves of such transfers, we believe they should be able to proceed and not prevented from doing so by legislation.

That is, in effect, the change we have made in the subsection 1 proposed originally by Mr. Davis and circulated to us in printed form.

Mr. Chairman: You are now having the new, proposed section circulated to you, typeset in three different ways, thanks to the clerk. I am not sure that subsection 6 is less important than the others, but it is definitely smaller and harder to read.

Mr. Allen: Sorry, Mr. Chairman. Are we dealing with the first subsection?

Mr. Chairman: Yes, 136xa(1).

4:50 p.m.

Mr. Allen: I have no problem with that concept. I have felt for some time that one would get into needless difficulty by moving too quickly in determining for all time the disposition of properties in a time of transition. It obviously made a great deal of sense to leave the question open for a period and to deal with transfers and property needs on the basis of leases.

I do not think there is any magic figure. Five years may not be better than four or six, but five years is certainly an adequate number to use as a benchmark for a period in which the transition would take place. The leasing pattern would be followed and then, only after that time when we see how everything is settled out, would we wisely move in the direction of effecting more permanent property transfers. I am quite happy with this amendment.

Mr. Chairman: Is there further discussion? All those in favour of subsection 136xa(1)? Carried. We will move on to subsection 136xa(2).

Mr. Reyecraft: We have no real quarrel with the principle of 136xa(2) as it is put forward. The current legislation and the regulations under the legislation already provide for the minister to establish a leasing fee or approve a leasing fee through the normal capital grant plan or the general legislative grants.

As far as the inclusion of the word "fair" is concerned, it is an interesting inclusion because, in contemplating the future, I am sure there will be situations where there will be at least two concepts of what is a fair leasing fee and perhaps even more. I presume the provisions that were

made in the past and that will be made in the future will be seen by the minister as being fair. They may not be seen that way by others, and I am sure that has been the reality in the past as well.

Because it already does exist, and I think we discussed this to some degree under another section a day or two ago, we feel such a section is unnecessary, it is redundant; the power to establish the leasing fee already rests with the minister. We see no need to include it in this section and we will oppose it.

Mr. Jackson: I thought for a moment that the Liberal Party was going to support the amendment on the basis that there were not two concepts of fair but three, that ultimately the minister would decide what was fair and that was the purpose of the section. You referred to having the matter raised at the last committee hearing, and I raised questions on it. When I asked you specifically, you had to refer to legislative counsel and to the ministry representatives to clarify—Hansard will bear that out—specifically that the minister is in a position to transfer at no cost or at fair market value or at any price that he so deems.

There are two issues here. One is about the authority of the minister, and on that we have no quarrel. You have highlighted the fact that we have injected the concept of fair. If you are saying you refuse to be bound by the minister making a fair and equitable distribution of public assets in this province, then you are entitled to back down from that. To suggest to the committee that it is adequately covered elsewhere is clearly not so.

It has been expressed by ministry staff and legislative counsel that nowhere is there a reference to his addressing making a decision on the basis of a fair or equitable lease arrangement, only that he has the final decision.

You will recall the transfer did not determine matters of value. You have the right to run away from or abandon this concept, if you have the support of the New Democratic Party, to have that power and authority over public funds. We are suggesting here that the transfer be fair and equitable. We received a considerable amount of public input on that issue.

Mr. Reyecraft: I agree completely. The fee should be fair and equitable to both boards of education. I assume that in the past, as well as in the future, the amount established or identified by the minister as a leasing fee has always been fair.

Perhaps Mr. Davis knows something about past Ministers of Education and their unfairness on this matter that I do not know of. If he wants to enlighten me on that, I would be pleased to hear about it.

The role of the minister is to live up to his responsibility on these kinds of issues and to make sure that these provisions are fair to all taxpayers of Ontario as regards issues within the coterminous area.

Mr. Chairman: Anything further, Mr. Reyecraft?

Mr. Reyecraft: No.

Mr. Chairman: I am sure you will be back, Mr. Davis?

Mr. Davis: Can we have some clarification on whether the act allows the minister to establish different leasing fees for different situations, or whether it just allows him to establish a leasing fee for all situations?

Mr. Clifford: My feeling would be that there could be different situations and different fees set, but I would like to find that out.

Mr. Chairman: We could adjourn for a while, if that would help.

Mr. Davis: I understand that the rationale for putting it in there—and perhaps the ministry officials or Mr. Reyecraft would like to comment on it—is that using the word “fair,” if it is not already in the regulations, allows the minister to establish some leasing fee that will not break the separate school board.

It is my understanding that ministry officials have looked at leasing processes and found they are tremendously costly. It may be that by an incorporation of this phrase, if it is not allowed under the act the minister can set a fair leasing fee, so that you are not breaking the separate school boards across this province.

Mr. Clifford: May I have one specific question? I will attempt to answer that. I will hold back if you have more.

Mr. Davis: If you use the present leasing fee, what would it cost the provincial government to lease those schools?

Mr. Clifford: I can comment on only one situation, because only one leasing fee has been enacted so far.

Mr. Jackson: Through the ministry.

Mr. Clifford: Through the situation between a separate school board extending and then using facilities owned by the public school board.

Mr. Jackson: It has been approved by your ministry. My board has two of them.

Mr. Clifford: I am talking about the secondary level.

Mr. Jackson: Unless you are talking about the Halton board.

Mr. Clifford: No.

Mr. Jackson: I have several examples in my jurisdiction.

Mr. Clifford: Of leasing a secondary facility?

Mr. Jackson: Of leasing facilities of the public system for secondary school purposes for the separate system.

Mr. Clifford: Yes, I understand. I am talking about leasing the physical facility of a secondary school to be used by a separate school board as a secondary facility. There is one case. It cost in the neighbourhood of \$350,000 to \$400,000 a year.

Mr. Davis: A year? Approximately how many schools—and it will be an estimate—do you think the separate school boards may have to lease from public boards to meet their accommodation requirements across the province?

5 p.m.

Mr. Clifford: The answer to that would be that in order to achieve the accommodation facilities which will likely be needed, there would be the alternatives of building new schools, buying other buildings and/or transferring. I take it you are talking only about transferring. My only estimate would be several.

Mr. Davis: Would I be correct in saying in my statement that the cost of leasing based on the present leasing value is pretty horrendous to meet the needs of the separate school?

Mr. Clifford: My response would be that it would be a large sum.

Mr. Davis: Therefore, if the act does not allow the minister to make some adjustments, would the cost to the separate schools for leasing be tremendous?

Mr. Clifford: There are several unknown factors such as the private facilities that are being used at present by separate school boards in those situations, etc. In gathering up the parts of my answer to your questions, I can say only that there will be several facilities needed to be transferred, and based on the one experience it would be a large sum.

Mr. Davis: That is the rationale for the inclusion of that statement.

Mr. Chairman: Thank you, Mr. Davis.

Mr. Davis: I am sure you are quite aware of it and I am sure Mr. Reycraft is quite aware of it too.

Mr. Chairman: Any further discussion on subsection 136xa(2)?

All those in favour? All those opposed? That section is lost.

Subsection 136xa(3) reads, "The minister shall appoint a task force composed of representatives of school boards, educators and ratepayers to advise the minister on guidelines for the transfer of property." Any discussion?

Mr. Reycraft: Mr. Chairman, it is difficult to talk about subsection 136xa(3) without talking about subsections 136xa(4) and 136xa(5). All three deal with the establishment of a task force to be responsible for giving advice to the minister about establishing guidelines for transferring property and purchasing property.

There are two aspects I want to address. First, the planning and implementation commission is already in existence and in position to be able to advise the minister very well about this matter. It has been collecting data for more than a year now. It will continue to do so as the implementation of this initiative continues. It is also in the business of consulting regularly with boards of education. I do not see the need to establish another new body to be charged with this specific responsibility, particularly when we have a group, an organization, which is already intimately familiar with the issue.

The second point I wish to make is that in section 136ka, which has been passed, we have already approved a mechanism for communication between the boards, a joint advisory body which can provide advice to the boards of education and which would be in an excellent position to be able to collect information and to formulate some recommendations to deal with this matter about transferring property from one board to another. We do not see the need to establish another committee. We are not convinced that this would be helpful or that it would be appropriate. We will be opposing the next three subsections, that is 3, 4, and 5.

Mr. Davis: Perhaps Mr. Reycraft might like to suggest to me what he considers a fair price for the sale of a building.

Mr. Reycraft: For the sale of a building?

Mr. Davis: To the separate school board.

Mr. Reycraft: I do not think there is an answer that will fit every situation. As we heard last summer, we know that the capital facilities of the public boards in this province have been funded in a variety of ways. There has always been a component of the capital cost provided by the Ministry of Education, the taxpayers of the

province. As well, there has always been a component of the capital cost provided by the local taxpayers.

In other situations, we have heard—I do not remember a lot of detail about the suggestions—about federal funds being used to assist in the construction of new facilities. That was the case back in the late 1960s and early 1970s. A variety of funding arrangements have been in existence, and they have shifted. Gordon Miller tells me that one facility in Haldimand-Norfolk was fully funded by the federal government.

Mr. Chairman: I would like to hear more about that.

Mr. Reycraft: Because of that situation, there is no one answer that will satisfy all situations. That is why there is a need for flexibility in the future. It is difficult, in fact impossible, to establish the appropriate level of compensation at this stage.

Mr. Davis: Perhaps Mr. Reycraft might try to answer a question for me with respect to the sale of buildings.

I understood you to say there has to be flexibility, that there is no one situation governing everyone across the province. Are you suggesting that a single high school in the north being sold to the separate school board might be worth less than a school in eastern Ontario in the same situation?

Mr. Chairman: Consider that carefully, Mr. Reycraft.

Mr. Reycraft: Again, it depends on the cost-sharing arrangements made at the time the facility was constructed. It depends on who did the paying and what the capital cost was. I do not think it is possible to answer the question.

Mr. Davis: Understanding your proposition about the provincial and federal governments being involved, when one works out those statistics one finds the cost that could be claimed against the separate school board would be somewhere between 15 and 20 per cent. Would the government be asking separate school boards to pay 15 to 20 per cent of the market value to the public school boards?

Mr. Reycraft: Mr. Davis is again presenting a question that is difficult, if not impossible, to answer.

I recall a board of education being in a situation similar to that where a market value was to be applied. There were some strange happenings in terms of zoning that had a rather dramatic effect on the value of the property in terms of the private sector. The situation is not a standard one

across the province, so there is no standard solution.

Mr. Davis: Would you suggest that market value is a fair option to be used?

Mr. Reycraft: No, I was not suggesting that at all. The minister will have to look at a variety of factors, including the cost-sharing agreements, the local situation, the facility itself—

Mr. Reville: Converging zoning.

Mr. Reycraft: I wish there was communication occurring here, Mr. Chairman.

Interjections.

Mr. Chairman: I am trying to facilitate the process.

Mr. Reycraft: I can do that very easily.

5:10 p.m.

Mr. Davis: Perhaps Mr. Reycraft would like to comment. Do you think \$1 is fair?

Mr. Jackson: Not a Canadian dollar.

Mr. Reycraft: I am sure that is not the appropriate resolution in every single situation in this province. There might be some situations where it could be appropriate. For example, such a provision might be fair to both boards in the situation in Mr. Miller's school in Haldimand-Norfolk which was fully funded by the federal government.

Mr. Davis: To get at some understanding of where the government may be going, because it is a very complicated issue, I understand that the government is contemplating transferring or selling the John P. Robarts elementary school in London to the separate school board. Mr. Reycraft, you are intimately involved in that. Have you determined a value for the transfer or the sale of that piece of property?

Mr. Reycraft: I was recently involved in it, as recently as last evening when I chaired a public meeting there. As Mr. Davis will know, an independent review committee was established to look at the situation with respect to the John P. Robarts school in London earlier in the year and that committee has provided a set of recommendations to the minister.

The minister has indicated that he wants to receive responses from the public, from the boards of education and from everyone who is associated with that school and the issue in London. Subsequent to receiving the responses, an operational plan will be announced that will provide for the future use of the Robarts facility. The government has no plan at this stage. We are in the process of developing one.

Mr. Davis: May I ask another question of clarification? With the passage of this section, would the transfer of that building to the separate school board be prevented?

Mr. Reyecraft: This section talks about leases between boards of education and Roman Catholic separate school boards in the province. As Mr. Davis will know, John P. Robarts school is the property of the Ministry of Government Services at present and operates as a provincial school.

Mr. Davis: Paid for by whom?

Mr. Reyecraft: By the taxpayers of Ontario.

Mr. Davis: It is apparent that the government and the members of the third party believe it is not imperative nor important to involve the public in the determination of establishing guidelines for the sale and transfer of not only property but also the chattel that remains within it. Again, they insist that can be done with the planning and implementation commission, which is not representative of the public. They are again shunting the involvement of the public aside in important matters such as the sale of a school and the transfer of a school.

We will see it again, shortly, when the Liberal government moves that we put aside the school closing process and that it does not apply. The rationale for doing that is that it again prevents public input on the debate in the determination, which is theirs under the Education Act, into what is happening to their local schools.

Mr. Chairman, we can have the vote. I can tell you that the vote will be six to two, but we would like a recorded vote on this issue.

The committee divided on Mr. Davis's motion which was negated on the following vote:

Ayes

Davis, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reville, Reyecraft.

Ayes 2; nays 6.

Mr. Chairman: The vote was six to two, Mr. Davis; I am just amazed. I do not know whether this has anything to do with your direct connections.

This means that subsections 4 and 5 cannot proceed because they refer back to something that has been determined not to exist.

Subsection 6 reads, "The minister shall establish and distribute the guidelines governing the transfer of property to and purchase of

property by Roman Catholic school boards for the provision of secondary school education no later than four and one half years from the date the provisions of this bill are proclaimed in force."

Is there any discussion?

Mr. Reyecraft: There is a problem with the drafting of the section when we talk about provisions of the bill being proclaimed in force. The proper way is laid out for us in section 1, which we have approved.

Aside from that, this is certainly what is intended by the ministry. Guidelines governing transfer of property are now communicated to boards of education by the Ministry of Education. It is the practice that is followed now and is intended to be followed. There is no need, therefore, to include it in this piece of legislation. We feel it is redundant and we will oppose it.

Mr. Jackson: I cannot accept the rationale, but as always I will have to accept the vote.

The purpose of this is merely an attempt to insist that the ministry advise the boards well in advance of their plans. I am sure this would provide a certain degree of conflict with plans for the next provincial election. I respect the Liberals' right to be silent on this matter until after that time.

Mr. Reyecraft: I suggest that the next provincial election is likely to come well before the four and a half years after proclamation of the bill.

Mr. Chairman: Unless we rule them unnecessary.

Mr. Jackson: Extending your accord.

Mr. Davis: I assume, in the sense of fairness, that as soon as those guidelines are established, the minister will indicate to the various boards and to the public of this province how that is going to happen.

Mr. Chairman: I would imagine so too.

Mr. Reyecraft: We know the minister always acts with a sense of fairness.

Mr. Chairman: Okay. Would you like to vote on subsection 136xa(6)? All those in favour, please indicate. Those opposed? The motion is carried—rather, defeated, six to two.

Clerk of the Committee: You were going to give it to them.

Mr. Chairman: It is much closer than I thought. We now move on to section 136xb.

Clerk of the Committee: It is a new one.

Mr. Chairman: Section 136xb has to be renumbered. It is not quite the same as the old 136xa on page 32 of the compendium.

Mr. Reycraft: Does it have three clauses?

Mr. Chairman: It does. It has clauses (a), (b) and (c).

Mr. Reycraft moves that section 2 of the bill be amended by adding thereto the following section: "136xb. The Lieutenant Governor in Council may make regulations,

"(a) prescribing any matter that is referred to in sections 136a to 136y as prescribed by the regulations;

"(b) prescribing the method of determining persons to be designated persons under subsection 136l(1) and the matters referred to in clauses 136l(1)(a) and 136l(1)(c);

"(c) requiring public boards and Roman Catholic school boards to confer with the planning and implementation commission and branch affiliates on such matters as may be prescribed."

It is in order, Mr. Reycraft. Do you wish to speak to it?

5:20 p.m.

Mr. Reycraft: Part of this was necessitated by changes made to section 136l as a result of Mr. Allen's motion, in which we used the terminology that designation was being done in accordance with the regulations. Apparently, according to legislative counsel, when such language is used it does not provide the authority to establish the regulations. That is why that specific authority has to be established in such a clause as we have proposed.

Mr. Davis: Would Mr. Reycraft like to comment on where it says in section 136xb about prescribing the method of determining persons to be designated under section 136l and the matters referred to in subsections 136la and 136l(1c)? Does that mean the Lieutenant Governor in Council may make regulations after the bill is passed that change those?

Mr. Chairman: Does it change the intent of those subsections?

Mr. Davis: Does it change the method of designation?

Mr. Reycraft: The regulations that will be established by the minister have to be within the scope provided by the legislation and no changes can be made that do not conform in that way.

I think I have the numbering right. Subsection 136l(1) talked about the board designating in accordance with the regulations or by agreements between the boards. The provisions that are currently in existence as guidelines published by the planning and implementation commission will be replaced after proclamation of the bill by

regulations. It is those regulations that the minister requires the authority to establish.

Mr. Chairman: Also subsection 136l(1c) reads as follows, "The regulations or agreement referred to in subsection 136l(1) may contain additional provisions, but in no case shall such additions contravene the provisions stipulated in subsection 136l(1a)."

Mr. Revell: Those were slightly redrafted.

Mr. Chairman: Yes, because it was not approved.

Mr. Revell: Yes.

Mr. Reycraft: I have a 136l(1c) attached with the change.

Mr. Chairman: We did change the wording of that. I am sorry. Let me just make sure I am correct on that one.

Mr. Revell: Subsection 136l(1c) was finally approved as follows: "The regulations or agreement referred to in subsection 1 may contain provisions in addition to those required by subsection 1a, including provisions related to the encouragement of the secondment and assignment of services of teachers and supervisory officers."

Mr. Chairman: Is there anything further on section 136xb? Seeing none, all those in favour please indicate. The motion carries. That will be placed in the bill as a new section.

Section 136y reads as follows in the act as currently written: "The resolution of a matter between a public board and a Roman Catholic school board under sections 136a to 136xb, except as specifically provided for in those sections, is a nullity if the result is inconsistent with any other act, any other provision of this act or a regulation under any act."

Mr. Reycraft, I believe you have an amendment.

Mr. Reycraft: The amendment that is drafted in the compendium was placed there when we were concerned that in situations where a school had been closed and where an agreement was made that would provide for the transfer of such a school from a public board to a Roman Catholic school board, they might have to go through all that closure process once again. Now, with Mr. Davis's amendment that provides for the five-year period when no transfers will occur, we are satisfied that will not present any problem. We will not be moving the amendment to it.

Mr. Chairman: Then all we have on the table is section 136y.

Mr. Reycraft: Never jump to conclusions.

Mr. Chairman: All those in favour of section 136y please indicate. The motion is carried.

I gather section 136z is still to be moved. Do you have a new subsection, Mr. Davis?

Mr. Davis moves that the following section 136z of the act be added in section 2 of the bill:

"136z(1) Five years after the provisions of this bill are proclaimed in force, a standing committee of the Legislature shall review education in Ontario to determine:

"(a) the impact of the enforcement of the provisions of this bill on the quality of education; and

"(b) if the provisions of this bill are being enforced.

"(2) The standing committee of the Legislature shall report its findings and recommendations in writing to the Legislature."

There are a couple of things. I gather the wording of "proclaimed in force" is a bit of a difficulty for us. Perhaps we can deal with that first. I have a second concern that was raised from standing orders.

Mr. Revell: The first problem is, "Five years after the provisions of this bill are proclaimed in force." Perhaps Mr. Davis will agree to a friendly amendment to read, "Five years after the day this section comes into force."

Mr. Davis: Yes, sure.

Mr. Chairman: "After the day this section comes into force." Is that all right with you, Mr. Davis?

Mr. Davis: Yes.

Mr. Chairman: The other thing I wanted to raise is subsection 2, "The standing committee of the Legislature shall report its findings and recommendations in writing to the Legislature." In our standing orders we now have, "Standing and select committees shall be severally empowered to examine, inquire into and report from time to time on all such matters as may be referred to them by the House."

What the clerk is telling me about this is that we cannot—

Clerk of the Committee: You cannot have an act reporting directly to a committee because a committee is a child of the Legislature; it must be reported directly to the Legislature and then allow the Legislature to give authority to the committee to look into it.

Mr. Jackson: Are you saying that the Legislature cannot strike a standing committee for the purpose of a review?

Mr. Chairman: Let us hear the problems of that, legal counsel.

Mr. Revell: There are a number of problems with this concept. The basic constitutional law of Canada is that one Legislature cannot bind another Legislature. We have a number of provisions in statutes where things are mandatorily reported to the Legislature, but once they reach the Clerk's table it is essentially for the Legislature to determine at that time what is to be done.

There are certain things under our new standing orders which automatically stand referred once they are tabled. For example, annual reports under our new standing orders, once tabled in the House, are automatically referred to the appropriate standing committee of the Legislature in the appropriate policy field. But this one could create a legal problem. About as far as we can go is to "recommend that".

Mr. Davis: I accept that.

Mr. Revell: I have not got the wording. It would have to be a policy thing. It would take me a few minutes to work something out but maybe if we voted on the policy then it would give me an idea of what is going to be needed on it. It is pretty vague at present on what the real policy is going to be. How do we force the Legislature to strike a standing committee? You cannot mandamus the Legislature.

Mr. Chairman: Given that you understand the problem, let me tell you about another one. The division bells are ringing. There will be a vote. There is no time on it so when Mr. Cooke comes to get us we will go up. That will guarantee that nobody can vote without all the whips present. We will just continue along.

5:30 p.m.

Mr. Davis: Very quickly, it is very obvious that at the end of five years we think there should be some review mechanism so the Legislature reviews it to ensure that the bill is going on. We have concerns about ensuring in the Legislative Assembly of this province that there is some mechanism by which legislators review what has happened in those five years to ensure the public educational system is not, as many fear, being watered down and destroyed because of the extension, nor that the catholicity of the separate school board has been threatened or destroyed.

Because this is such a dramatic change in the education of this province, it is my opinion that there is a requirement on behalf of the legislators who are here today—because some of us may not

be here tomorrow, although I intend to be, after the next election—

Mr. Chairman: You are running again?

Mr. Davis: Just so I can stay with you, Richard.

Mr. Chairman: You may have to change your mind. I am not sure I can handle any more of this.

Mr. Reville: Are you going together?

Mr. Davis: I have thought about that.

We need to formulate some mechanism by which there is a legislative review. I do not believe you would get a handle on it simply because the planning and implementation commission makes a report every year. I do not want to see Bill 30 trekked through Ontario. If there is an opportunity, let us sit down and see what is happening.

Mr. Chairman: It makes me reconsider my recent decision. Any further discussion on this?

Mr. Davis: We will have a recorded vote.

Mr. Reycraft: We agree that the impact of this legislation will need to be assessed regularly. The assessment has to begin sooner than five years after proclamation and it should occur more frequently than that. We have already placed a section in the bill that makes an annual report of the planning and implementation commission mandatory. That report will be referred to a standing committee of the Legislature and there will be ample opportunity to provide for discussion of what has happened under the act, whether or not the provisions of the act are working in the way they were intended to and to assess the impact.

I also point out there is an additional opportunity for this kind of exploration and assessment provided by the annual review of the estimates of the ministry.

Mr. Davis: Which we have not had last year.

Mr. Reycraft: I wonder why? Therefore, we oppose the inclusion of this new section in the bill.

Mr. Chairman: Let us move to the vote. It will be a recorded vote.

The committee divided on Mr. Davis's motion on section 136z, which was negated on the following vote:

Ayes

Davis, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Ayes 2; nays 6.

Mr. Jackson: May I raise some matters with respect to redistribution. Would that be ruled out of order?

Mr. Chairman: I am afraid it would have to be, although it has some interest to many people here. Let us move to complementary amendments. You may recall we have one open section.

Mr. Davis: Before you go on, we have to deal with one open section which is subsection 136o(9). I requested, but did not receive, information—sorry, I did get the information; they have to go through the process of determining in the adult education.

Mr. Chairman: Yes, they do. Let us move through these complementary amendments and see how that goes, then we will go back to the open section.

On section 3:

Mr. Chairman: The complementary amendments are known as section 3 of the bill. I have an amendment to 2, but I do not have one to 1. Let me read it out and we will take the votes on it.

"3(1) Section 126 of the said act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 21 and amended by 1984, chapter 60, section 8, is further amended by adding thereto the following subsection:

"(9) The assessment of a corporation for separate school purposes under subsections 1 to 8 in respect of a Roman Catholic school board applies in the same manner in relation to secondary school purposes as to elementary school purposes."

There is no amendment before me. Would someone give us the basic runthrough on this? As I recall, this says that the assessments will be done for the secondary level. Is that what it is, Mr. Reycraft? Has everybody forgotten that this section of the act exists?

Mr. Reycraft: I am sorry. I did not hear your question, Mr. Chairman.

Mr. Chairman: I want a description. I gather Mr. Davis has some concern about this. I want to make sure of the meaning of this. It is just the assessment of corporations, which we currently have in the province; I gather it applies only to the junior panel and will now apply to both panels of the Roman Catholic system.

Mr. Reycraft: That is correct.

Mr. Chairman: Very well.

Mr. Jackson: Specifically, that section makes reference to a certain number of Catholic shareholders. Are we talking about corporations, corporate taxes?

Mr. Reycraft: Yes.

Mr. Jackson: The trigger date is all I wanted to pursue on that. Are we allowing the division in part of the year, or will it be the calendar year; and does the bill state that?

Mr. Reycraft: No. As I recall, it will come into effect on January 1, following the proclamation.

Mr. Chairman: That is understood.

Mr. Davis: Am I correct—perhaps Mr. Reycraft has answered the question—that the assessment of the corporation for separate school purposes applies only when a jurisdiction makes the determination for a secondary panel?

Mr. Reycraft: That is correct.

Mr. Davis: Thank you. That is all I need to know.

Mr. Chairman: All those in favour of subsection 3(1) please indicate. Carried.

Subsection 3(2) has been amended by the government. Would you like to read it into the record, Mr. Reycraft?

Mr. Reycraft: No. The amendment that is printed in the compendium is now redundant, given the section 136ka we have added to the bill.

Mr. Chairman: What about the original then?

Mr. Reycraft: I also understand we no longer wish to have that section included in the bill. I am not sure whether it is appropriate to move to withdraw it or whether it is more appropriate to vote against it.

Mr. Chairman: Why do we not just vote against it then?

We are now dealing with subsection 3(2). It starts off, "Section 259 of said act is amended by..." It is now thought not to be necessary.

Bill 75, of course, covers these matters now, and that was not in place or even in the process of being developed at that stage. It is presumed that it will be passed. It has been given priority for this session.

Mr. Davis: Oh, has it? You must know something I do not know.

Mr. Chairman: Well, I do not know the votes before they are done.

Mr. Jackson: We each have our strengths.

Mr. Chairman: That is right. We have our strengths, but they are not always the same—these talents—as Bishop Tutu would say.

All those in favour of subsection 3(2) please indicate—to get it out of the act as it currently is you vote against it, not that I would want to instruct the members.

On subsection 3(2), all those in favour please indicate. What a dismal show. Those opposed? The subsection is struck out.

Mr. Chairman: Subsection 3(3) reads as follows:

"The said act is further amended by adding thereto the following sections:

"277t(1) A person who is a separate school elector in respect of a separate school board that has elected to perform the duties of a secondary school board is not eligible for election to a board of education that has the same or part of the same area of jurisdiction as the separate school board.

"(2) Subsection (1) applies in respect of the regular election under the Municipal Elections Act in the year 1988 and to elections held under that act after the year 1988."

Then I have amendments. Is that true? Is that where those amendments would come?

Mr. Reycraft: Yes.

Mr. Chairman: Mr. Reycraft moves that subsection 3(3) of the bill be struck out and the following substituted therefor:

"(3) Section 186 of the said act is amended by adding thereto the following subsection:

"(7) This section does not apply to arbitrations under section 136m."

I am a little unclear as to how that fits.

Mr. Davis: What does it mean?

Mr. Chairman: Subsections 3(1) and 3(2) stay and he is going to replace "that a member is not disqualified from completing a term of office."

Interjections.

5:40 p.m.

Mr. Chairman: One moment. While you check that out we will go on to the business of the first part, subsections 1 and 2. Subsection 1 indicates you cannot perform the duties of a secondary school board member if you are now a separate school elector.

Mr. Jackson: Is that marked as 277t(1)?

Mr. Chairman: Right. All those in favour of subsection 277t(1)?

Mr. Reycraft: One moment.

Mr. Revell: May I be of some assistance, Mr. Chairman?

Mr. Chairman: I gather from legal counsel the purpose of the amendment that Mr. Reycraft read in the motion is not to deal with subsection

277t(3); it is subsection 3(3) of the bill that we are dealing with—not the part of it but the entirety of it.

Mr. Revell: Subsection 3 starts out with the words “The said act is further amended by adding thereto the following sections.” Those words and everything following those words down to the beginning of section 4 of the bill would be struck out and replaced by this new amendment. This new amendment has the effect of adding a section, which in turn amends section 186 of the Education Act itself.

Mr. Chairman: Is that understood?

Mr. Davis: Would you like to explain what it means?

Mr. Chairman: I think what they are saying is one is unnecessary and the other means something else. What is it, Mr. Reycraft?

Mr. Reycraft: Section 186 of the Education Act deals with arbitrations. This section exempts an arbitrator from the fee schedule that section 186 provides. The reason for including that, I am told, is that the fee schedule as established by section 186 is rather miserly and inappropriate.

Mr. Chairman: I have no difficulty with what the new one is. What we need to know is why section 277t is deleted. Is that handled someplace else in the act or is it not necessary?

Mr. Kirkwood: That is a reference to Bill 28, which is no longer before the House; it was withdrawn. Bill 75 deals with the French-language governance now. Therefore, it is an obsolete reference.

Mr. Chairman: Section 277t, as it is listed here, deals with a person who is a separate school elector being on a public board. I do not think that has to do with Bill 75.

Mr. Davis: Is it not the intent of section 277t to do two things: to preclude a person who is a separate school elector performing as a public trustee on a board; and to say if a board does not make a determination then that person can carry on his term for three years, but once that term has been declared and the assessment made he is gone? Across Metro, it means all the separate school people leave this December 31 or something. I understood that was what it was for.

Mr. Chairman: I understand the purpose of the arbitration section, and we can deal with that separately. What we need to know is, do we need this subsection? Is it dealt with any place else in terms of this whole question of the trustees? I do not recall it.

I wonder if what may be the answer is that when this was put in, it presumed that this might be needed for an election in the fall of 1985 and that there needed to be a specific section in before some boards had elected to participate. Now, with the provisions we already have in about election, to participate and the changing of assessment, etc., the new rules that say you have to go with the panel that you are assessed with cover all this and we do not have to deal with it now. Is that why it would not be necessary, Mr. Kirkwood?

Mr. Kirkwood: These references are specific references to part XI of the act. The existing version of the Education Act only goes up to section 277b. Therefore, these were to follow on in relation to Bill 28. That is when they were drafted.

Mr. Chairman: Bizarre.

Mr. Davis: The next question is for clarification. Where in the act does it preclude a separate school trustee from fulfilling the term for which he was elected last year?

Mr. Kirkwood: Section 136i.

Mr. Chairman: All right. Basically, what we have learned is that it is covered under section 136i and that we do not need this section now. All we have to do is vote for Mr. Reycraft's motion on the arbitration; that automatically deletes this other reference.

I have been advised by the New Democratic Party whip that we should go out for the vote.

All those in favour of Mr. Reycraft's amendment to subsection 3(3) will please indicate. Those opposed?

Motion agreed to.

Mr. Chairman: We will adjourn until the vote is taken or until Monday if the vote is not taken in advance of that; but we will be back if it is taken as quickly as the whip seems to think it is going to be.

The committee recessed at 5:47 p.m.

5:54 p.m.

Mr. Chairman: I call the meeting to order. We are currently wending our way through this.

Section 3, as amended, agreed to.

On section 4:

Mr. Chairman: We are now at section 4, which reads as follows:

“Section 5 of the Essex County French-language Secondary School Act, 1977, being chapter 5, shall not be construed to prevent the conveyance of the school mentioned in the said act to a Roman Catholic school board.”

Mr. Davis: On a point of clarification, Mr. Chairman: There are a couple more amendments. Do they come after we have finished all this?

Mr. Chairman: Yes. There is no problem with that. Are you talking about going back to the consolidated board matter?

Mr. Davis: Yes; and what about the government's amendment on page 37, clause 154(4)(b) and subsection 121(2). Do they still have to be debated?

Mr. Chairman: Where do I find those?

Mr. Reville: On page 37 of the compendium.

Mr. Reycraft: Yes, they do.

Mr. Chairman: Yes. They come up right after this. They follow right after the section I am doing at the moment.

Mr. Davis: I need your clarification, Mr. Chairman. I do not know if it has been withdrawn, but was there a section in which the government was proposing that the school closing policy process be set down? Is that still to come?

Mr. Reycraft: I indicated the need for having that section no longer existed and we were not bringing it forward.

Mr. Davis: Thank you. I thought that but I just wanted to hear it.

Mr. Chairman: You had initially moved your consolidated boards motion to be an additional part of section 3. Since section 3 is changed to be an arbitration matter only now, why do we not deal with this Essex county one as section 4, then you move yours and we will move through the two government ones as sections 4a and 4b? Let me suggest that the one I just read be section 4. Then we will do sections 4a and 4b. Then we will move to yours and then we move on from there.

Is there any debate on the Essex county provision? It is just making sure that the act is recognized.

Section 4 agreed to.

Mr. Chairman: Mr. Reycraft moves that the bill be amended by adding thereto the following section:

"4a. Clause 154(4)(b) of the Regional Municipality of Ottawa-Carleton Act, being chapter 439 of the Revised Statutes of Ontario, 1980, is repealed at the end of the first calendar year in which the Carleton Roman Catholic Separate School Board makes an election that is approved by the Minister of Education under section 136a or 136f of the Education Act."

Motion agreed to.

Mr. Chairman: Mr. Reycraft moves that the bill be amended by adding thereto the following section:

"4b. Subsection 121(2) of the Municipality of Metropolitan Toronto Act, being chapter 314 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1984, chapter 18, section 11, is further amended:

"(a) by adding 'and' at the end of clause (c) and by striking out 'and' at the end of clause (d); and

"(b) by repealing clause (e), "at the end of the first calendar year in which the Metropolitan Separate School Board makes an election that is approved by the minister under section 136a or 136f of the Education Act."

Motion agreed to.

6 p.m.

Mr. Chairman: Mr. Davis moves that the following section 5 be added to the bill:

"5. The said Act is further amended by adding thereto the following part: "Part V-A "Consolidated School Boards

"148a(1) One or more public boards and one or more Roman Catholic school boards may jointly propose to the minister that the boards be merged to form a consolidated school board.

"(2) Before making the proposal to the minister, the boards shall each hold a public meeting to provide information to the public and to enable persons who attend the meeting to make written or oral presentations in respect of the proposal.

"(3) The boards shall include with the proposal the text of the written presentations and a summary of the oral presentations made at the public hearings.

"(4) The Lieutenant Governor in Council may make regulations dissolving the boards and establishing a consolidated school board where, having regard to the proposal, the written presentations and the summary of the oral presentations, the Lieutenant Governor in Council is of the opinion that such action will provide for better administration of the educational system in the territorial district.

"(5) The Lieutenant Governor in Council may make regulations prescribing the provisions of this act that shall apply in respect of the dissolved boards and in respect of the consolidated school board.

"(6) A consolidated school board established under this section is a corporation with the name 'The...Consolidated Board of Education,' inserting the name selected by the board and approved by the minister.

"(7) Subsections (1) to (6) shall not be construed to adversely affect any right or privilege respecting separate schools enjoyed by the separate school boards or their supporters under the Constitution Act, 1867."

Mr. Davis: This is been consistent with our position from the beginning when we drafted the first nine drafts of the bill, we believe, and it is consistent with Macdonald's Commission on the Financing of Elementary and Secondary Education; it is also a part of its recommendations.

We believe it should be left to the jurisdiction of the local area to make the determination, and they should have that opportunity to make it if they wish. That is why it is there. You know all the other arguments that have been put before the committee a hundred thousand times.

Mr. Chairman: I do recall the many questions.

Mr. Davis: We would like a recorded vote on this.

Mr. Chairman: I presumed you might.

The committee divided on Mr. Davis's motion, which was negatived on the following vote:

Ayes

Davis, Jackson.

Nays

Allen, Epp, Miller, G. I., Offer, Reville, Reycraft.

Ayes 2; nays 6.

On section 5:

Mr. Chairman: We now move to section 5, which reads: "Sections 136r to 136x of the Education Act, as enacted by section 2 of this act, are repealed on the 1st day of July, 1995."

Section 5 agreed to.

Sections 6 and 7 agreed to.

Mr. Chairman: There is one section still open.

Mr. Davis moves that section 136o of the Act, as set out in section 2 of the bill, be amended by adding the following new subsection:

"136o(9). In communities where the separate school board does not elect to perform the duties of a secondary school board for the area of jurisdiction of the board, upon request of the separate school board, the public board may provide teacher(s), on whom both boards have agreed, to instruct separate school students in health, family studies, guidance and religious education classes and provide an opportunity for liturgical services for separate school students."

Mr. Davis: I believe we discussed this when we first introduced it. It was stood down by the Liberals. What is required is self-evident; it is the sense of fairness to those students in the separate school jurisdictions where there is not the decision to have the election, to perform the duties of a separate school board. We request a recorded vote.

Mr. Reycraft: Is this section in order? The intent of the bill is to provide for the extended funding of the secondary school system by a separate school board. What we are talking about here is a nonextension. I note also that it applies—I assume anyway—to students in elementary schools.

Mr. Davis: It does not apply to elementary schools.

Mr. Reycraft: It talks about instruction of separate school students. It does not specify that it takes place in secondary schools.

Mr. Davis: It is quite distinct in that it says: "In communities where the separate school board"—

Mr. Chairman: Are you arguing whether it is in order?

Mr. Davis: That is right.

Mr. Chairman: You can make your argument on that, Mr. Davis. I will consider what you are saying, for a second.

Mr. Davis: Mr. Chairman, it is in order because it is specifically addressing the separate school boards that do not elect to perform the duties of a secondary school board. In those jurisdictions where it does not do that, in a secondary panel—and it is only the secondary panel; no matter that the government would like to pretend we are talking elementary, we are talking secondary panel only—that these should be provided for. I believe it is quite in order.

Mr. Chairman: I believe it is in order as well, if only because throughout the bill we talk about choice being available. There is nothing to say choice has to be only of two options; there could obviously be other avenues. It is debatable, but on the merits of it, you may decide that it is not necessary or that it is necessary.

Mr. Allen: You may remember that in the course of the hearings and at the end of the hearings, we discussed a number of related matters that we felt would be useful for this committee to address, among which was the question of superannuation and early retirement, which we dealt with.

At the same time, we had a number of other items on the list of items we thought were related to the whole extension issue but could not be satisfactorily or fully addressed through the bill. One of those was the matter of religious education in public schools, public secondary schools in particular. At that time, we did hear a good deal of evidence in the course of the hearings that there was some interest in our moving to consider that question in a much more active fashion than we had in recent years.

I personally, and I know our party, was sympathetic to looking at the whole question. However, what is being proposed here is a move within the context of the public system with respect to one particular religious tradition.

While I think it does address an outstanding issue at the end of this debate on this bill and is relevant to the extension, I would find it much more congenial and preferable to deal with this issue as a whole issue, through this committee, subsequent to the passage of the bill. Therefore, I am going to be voting against this with some reluctance, because I think it begins to move in the right direction, but we need to move more comprehensively to do this fairly.

The committee divided on Mr. Davis's amendment, which was negated on the following vote:

Ayes

Davis, Jackson.

Nays

Allen, Epp, Miller, G.I., Offer, Reville, Reyecraft.

Ayes 2; nays 6.

Mr. Chairman: Shall section 136o, as amended, carry? Carried.

Section 2, as amended, agreed to.

On section 1:

Mr. Chairman: We have one other section we decided to leave open, and that is the definition section. We decided there might be a necessity to add a couple of definitions, depending on the language we used as we went through.

Mr. Reyecraft: This amendment was circulated some time ago. I do not know whether the members opposite still have it.

Mr. Chairman: Mr. Reyecraft moves that section 1 of the bill be amended by adding thereto the following as paragraphs of subsection 1(1) of the act:

"48a. 'salary' means all payments and benefits paid or provided to or for the benefit of a person who is designated under section 136l;" and

"65a. 'support staff' means staff other than supervisory officer staff or teaching staff."

Motion agreed to.

Mr. Chairman: It has been brought to my attention that we did not actually pass the other parts of this section because of leaving this open. We decided to leave that; so we should go through them.

"35a. 'Planning and implementation commission' means the planning and implementation commission continued under section 136r;

"42a. 'public board' means a board of education or a secondary school board established under section 69;

"46a. 'Roman Catholic school board' means a separate school board that has made an election under section 136a 136f that has been approved by the minister;

"59a. 'separate school board' means a board that operates a separate school for Roman Catholics."

Section 1, as amended, agreed to.

6:10 p.m.

Clerk of the Committee: The bill is finished. Now it has to be reported back to the Legislature.

On the title:

Mr. Davis: Are we going to carry the long title?

Clerk of the Committee: We carried that on the first day.

Mr. Jackson: No. We carried the preamble but not the long title.

Mr. Chairman: It has been suggested we might have missed one thing, the long title of the act, An Act to amend the Education Act, which is the first line.

Title agreed to.

Mr. Chairman: Before we vote to report the act back, there are a couple of things I want to say from the chair. First, some of you may not remember at this stage, but it was two years ago today that another Bill Davis, other than he who has been with us for so long—

Mr. Jackson: The irreverent Bill Davis.

Mr. Chairman: —the irreverent Bill Davis, introduced a statement in the House about the extension of Catholic school funding. It is somewhat fitting that two years later to the day we are completing our work as a committee.

It has been a very long haul. Most of us started work on this last July. We have been together for a very long time, hearing the public on it through the fall. We did extra hearings on the superannuation question Mr. Allen spoke of recently,

which I think will go a long way towards making things better for a lot of the teachers who are quite concerned about the disruption involved. Then we spent an awful lot of time going over it clause by clause.

All members should feel they have had a substantial input into the changes in the legislation. Personally, I am glad to see the end of it, but I would also like to compliment you all on the work you have done, and I hope we do not have to do anything quite this long and arduous again.

Can I have a motion to report the bill, as amended, to the House?

Mr. Reycraft: Before I make the motion, to follow up on your comments, I think the whole experience has been an expansive one for all of us. Having spent more than 20 years as a teacher in the education system in this province, I thought I knew the system reasonably well, but throughout the public hearing stage of this initiative and as we have proceeded through the clause-by-clause debate, I came to know the education system of the province and the Education Act much better.

I want to thank you, Mr. Chairman, for your leadership with a committee that had very little experience in clause-by-clause debate. You were challenged in leading us through the clause-by-clause work. We appreciate the sensitive and co-operative way in which you did that. I am sure I speak for the other members who are in their first term in the Legislature when I say we appreciate the direction and assistance we have received from you.

I also want to thank the staff of the Ministry of Education, who have assisted us very capably and in a very dedicated way throughout this process. I hope the staff members who are present will convey that appreciation to those who have been with us on other occasions but who are not present today.

Mr. Chairman: Thank you, Mr. Reycraft. While we are doing that, we should include the clerk and legal counsel, who has said to me that he felt this was the most complicated legislation he had been through in his considerable time here at the Legislature.

Mr. Allen: I would like also to thank the members of the committee, as well as the staff and the chairman, for the associations we have had over the past number of months on this bill. We have not only gotten to know the bill and the education scene in Ontario better, but also we have gotten to know one another a good deal better, for better or worse, but mostly for the

better. Personally, I have enjoyed the association immensely.

I think we all have a sense of considerable accomplishment. What we have addressed has been a matter of long-standing historic significance in this province, a matter that is very germane to the very foundations of the country. It is not very often that many of us have an opportunity to deal legislatively with issues of this consequence.

I want to compliment all members for the degree of thought and care they have given to this issue, and in particular yourself, Mr. Chairman, for your guidance of this committee through it.

Mr. Davis: We too would like to express our appreciation to the various staff people who travelled with us those long summer months and have sat here as we have gone through it clause by clause. Certainly we express appreciation to all individuals in this province who came forth to make their views heard, which is an important democratic process as well.

We know that as we went through the various processes in debating, many of us expressed partisan views, except for the chairman.

Mr. Chairman: It is important to speak with your tongue in your cheek.

Mr. Davis: It is an historic moment in the life of this province and certainly in the lives of the separate school population, supporters and members. It is interesting that two years ago to the day, Bill Davis, then the Premier, introduced this legislation, and today, a Bill Davis, who is not the Premier, who was just elected in a recent election, is sitting to bring it to a close.

Mr. Chairman: Thank you, Mr. Davis.

To all those members of the public and the interest groups that have been with us throughout as well, I do not know what you are going to do with your Mondays, Tuesdays and Thursdays, but you are all invited to come to the Ministry of Community and Social Services estimates, which start next Tuesday, just so you do not go through too heavy a withdrawal.

The motion, Mr. Reycraft, or whoever would like to move it.

Mr. Jackson: Are there other matters for the committee's consideration?

Mr. Chairman: No. After this, we will adjourn and reconvene on Tuesday for the estimates of the Ministry of Community and Social Services.

We can take the motion first. If there are other matters of business you would like to raise, we can deal with them.

Bill, as amended, ordered to be reported.

The committee is adjourned.

Mr. Chairman: Is there any other business?

The committee adjourned at 6:18 p.m.

CONTENTS

Thursday, June 12, 1986

Education Amendment Act, Bill 30, Mr. Conway, adjourned	S-323
Adjournment	S-345

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Davis, W. C. (Scarborough Centre PC)
 Epp, H. A. (Waterloo North L)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 Reville, D., Vice-Chairman (Riverdale NDP)
 Reycraft, D. R. (Middlesex L)
 Sterling, N. W. (Carleton-Grenville PC)

Witnesses:

From the Ministry of Education:

Clifford, J. F., Executive Director, Education Services Division
 Kirkwood, W. T., Education Officer, Legislation Branch





No. S-15

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development

Estimates, Ministry of Community and Social Services

Second Session, 33rd Parliament

Tuesday, June 17, 1986

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, June 17, 1986

The committee met at 3:44 p.m. in committee room 2.

ESTIMATES, MINISTRY OF COMMUNITY AND SOCIAL SERVICES

The Vice-Chairman: We will start with the statement from the Minister of Community and Social Services.

Hon. Mr. Sweeney: I believe there is a copy of my statement in front of each of the members. If not, extra copies are available.

This room is very familiar to me. Over the years I have spent many long hours here, albeit in a different seat from the one I now occupy.

The process we are now beginning, the consideration of the budgetary estimates of the Ministry of Community and Social Services, is also very familiar, and again, my place in the process is changed.

As I prepared for my appearance here, I recalled the estimates proceedings I have been a part of in the past, and my memories are not entirely happy ones. In my view, the estimates process has become terribly frustrating for those who are involved. As an opposition critic, to be perfectly frank, I rarely felt it was a very useful experience.

I have given that matter a great deal of thought. I appear here this afternoon determined to make this process more useful and committed to a positive interchange of ideas. I am here not just to explain, defend and justify; I want to learn. I want this process to advance the interests of my ministry. I am intent on turning these proceedings into a vehicle for helping all those in Ontario whom we have the responsibility and privilege of serving.

Estimates were not always debated in a setting such as this. For a long time they were handled in the legislative chamber, and it was there that a familiar but undesirable pattern was formed. F. F. Schindeler, in his book *Responsible Government in Ontario*, describes it this way: "During committee of supply, long ministerial statements were the rule rather than the exception—and such speeches naturally tended to encourage an answer in kind from the opposition."

I am not suggesting an overview of a ministry that will spend \$3 billion this year can be delivered in 10 or 15 minutes. That can be said as

well for a speech running three or four hours. For this reason, I will keep my opening remarks relatively short. I will review some of the key directions I have set for my ministry and I will talk about a few of the many other areas that have captured my attention. My relatively brief opening presentation will permit members of the committee additional time later to raise the issues of particular interest to them.

I take this process very seriously. I am hoping for a positive discussion. I will be frank and forthcoming, in keeping with the administration's commitment to open up the process of government. In return, I look forward to constructive contributions from members of the opposition.

It has occurred to me that the advocacy groups, agencies and interested individuals I meet with on a continuing basis have more input into the development of government policy than do members of the opposition. I am hoping this estimates process will change that. At the same time, I recognize that this presents a valuable opportunity for opposition members to raise matters of urgent public importance. I will make no attempt to short-circuit their roles as critics of the government.

One final word about the estimates process we are beginning today: You will notice that a number of my staff members will be present throughout these hearings. They are not here solely for my benefit. These men and women have also come to learn the ideas and concerns of the committee and to serve as a resource to all members who can benefit from their substantial skills.

Now permit me to move forward. The Ministry of Community and Social Services touches directly the lives of 500,000 people in Ontario each year. We have been given the responsibility and honour of helping those whose lives are in the shadow of hardship. It may be an abused child crying for an end to pain, perhaps a physically disabled teenager worried about her career, sometimes a senior citizen trying desperately to remain in his own home. The list goes on.

3:50 p.m.

In many instances we provide assistance with matters of food and shelter—the basics of human existence—but we seek to do much more. We

promote freedom: the freedom of independence. Our programs are designed so that as many people as possible are given the chance to make it on their own. To those who cannot, we offer the comfort of knowing we will always do our best to help.

We have set some ambitious goals for ourselves. We are committed to maintaining and developing local communities as the focal point for planning and delivering services. We recognize that these services must be flexible to meet individual needs and accessible throughout this vast province. We must eradicate discrimination, and our programs must respect differences of culture, religion and heritage.

We must also recognize that we are living in a time when there are great demands on government. Our programs must be efficient and affordable, and resources must be directed first to those most in need. Since assuming responsibility for my portfolio almost a year ago, I have undertaken a wide range of consultations with scores of groups and individuals. I have travelled extensively, visiting ministry facilities and community groups. I have challenged my staff to find bold and innovative responses to the issues we are facing.

Through this process, which featured as much difference of opinion as agreement, I have set some broad directions for the ministry in the years ahead. I wish to share these with the members of the committee today, but first let me describe some of the context. My ministry has gathered some detailed information on population trends in a publication entitled *A Look at the Social Environment*. This was made available to members some time ago, and I have additional copies here today.

Ontario is a society in transition. The proportion of senior citizens in society is growing rapidly. Families are smaller today than they have been historically. The number of marriages is down. The number of divorces is rising. There are more one-parent families. Economic and social change has resulted in an increase in the number of women working outside the home. Fewer families are therefore able to provide continuous care for elderly relatives, for disabled members of the family and for children.

Transition to the post-industrial economy and aggressive competition have resulted in job losses, and unemployment is expected to remain relatively high. An army of middle-income workers must be retrained and given the opportunity to learn new skills. All of these factors will result in an increased demand for social services

in the coming decade and beyond. My ministry is committed to a process of anticipating these changes and the demands that will result rather than the too-often-used method of merely responding to problems as they emerge.

The ministry is therefore developing major new strategies in three policy areas: We are taking a fresh look at our approach to the income support system for families; we are participating in the development of a comprehensive response to the needs of elderly people; and we want a new community-based approach to the support of families and individuals with special needs.

Let me take a few minutes to expand on the three directions I have outlined and to talk about the start we have made.

About half the money allocated by my ministry goes to social assistance payments, but it has become clear to me that the system has major weaknesses. There are still hungry and homeless people on our streets. Part of the problem rests with the changes in society that I have talked about, and part of it rests with the government's failure over the years to make basic adjustments to the system. Pertinent legislation has not been altered in almost 20 years. I recently heard a municipal social services director describe our income maintenance system as a small house that has had lean-tos added over the past 50 years. It may not be structurally sound, but it will not fall down. We can continue to live in it, but it could be better.

This minister decided very early on that he did not want to live in that house any more, and so I commissioned a major review of the income maintenance system. I am intent on bringing about significant reforms.

We knew this process could not be completed overnight, and so late last year I announced interim changes to social assistance rates, an increase that was the most significant in years. The changes amounted to a 6.3 per cent growth in provincial expenditures on social assistance programs worth \$81.6 million annually. There was an across-the-board increase in family benefits and general welfare. Significantly, additional new moneys were directed towards areas of special need.

As members will recall, we took special steps to meet the needs of the children of the poor: an extra increase in the portion of basic allowances earmarked for youngsters; a child's winter clothing benefit, to continue on an annual basis; and a larger handicapped children's benefit. We

also addressed increasingly high shelter costs by enlarging subsidies.

More recently, we further enhanced our shelter subsidies. The 1986 budget of the Treasurer (Mr. Nixon) contained \$25 million on an annual basis, which we have directed to those facing the twin hardships of high shelter costs and high fuel costs. Beginning in September, 130,000 individuals and families will benefit.

In the time I have been minister, those receiving social assistance payments have made real progress. A year ago Ontario was being characterized as one of the worst welfare providers in Canada. Today, I am pleased to say, our rates for most case types are among the top third of all the provinces.

Some critics misunderstood the nature of these announcements. They saw them as more lean-tos being added to that 50-year-old house. However, I can assure the members of this committee that we have begun the process of fundamental change. We started with an internal ministry probe, which permitted staff the opportunity to identify the system's deficiencies. I have begun a new round of consultations in which other levels of government and social service agencies have been giving me their ideas for meaningful change. I anticipate moving the review into the public arena shortly. I look forward to announcing during this session of the Legislature the means by which interested groups and individuals can have an impact.

The completion of this process will lead, I am confident, to proposals for legislative change. An end to the anomalies and inconsistencies in Ontario's social assistance programs is my goal. We are ready to make this system fairer and more responsive. I invite members of the committee to become involved in this process.

I have no desire to make changes that will merely treat the symptoms. I wish to identify and deal with the underlying causes. For this reason, I have been working closely with my colleague the Minister of Housing (Mr. Curling). This government recognizes that one of the fundamental issues facing poor people in Ontario is the lack of affordable housing. After a decade that saw real problems in the housing development industry, this government has taken steps to provide an appropriate supply of affordable housing.

The second major thrust I mentioned is a comprehensive approach to the needs of elderly people. In this regard, I am indebted to the Minister without Portfolio responsible for senior citizens' affairs (Mr. Van Horne). On June 2 the

minister released his white paper on health and social services for the elderly. This thoughtful and thought-provoking paper identifies strategies to address present problems and future needs.

At the same time, my cabinet colleagues and I committed ourselves, through working together, to build a system of services for seniors that maximizes the independence of the individual. Members will recall that in January, I announced an \$11-million increase in the annual budget for home support services. That represented a tripling of the ministry's expenditures in this very important area.

Part of that money has been directed towards agencies that have been doing very valuable work but have faced problems in raising the necessary funds. As of April 1, the provincial share of the cost of home support services was increased from 50 per cent to a maximum of 60 per cent. On June 2 I was pleased to announce a further increase to 70 per cent beginning next year. In addition, we added another \$2 million to expand priority areas in home support further. Some existing home support programs have been enhanced as well.

We are also enlarging the number of elderly persons' centres and assisting agencies to recruit more volunteers. Home support programs have permitted thousands of individuals to remain in their own homes, living active and productive lives. I was most pleased to give these programs the chance to touch many more lives.

4 p.m.

Coping with a victim of Alzheimer's disease can be extremely stressful on families, and they require relief and assistance to maintain their relative at home. However, specialized services are rare. Many existing community services will not accept Alzheimer victims, because they can be quite disruptive. I first responded to this situation in January, when I allocated \$1 million for the development of specialized and innovative programs. This month I announced a further \$3 million to increase the availability of these programs.

In January I announced the initial six sites for the integrated homemaker program, which provides homemakers to frail, elderly and physically disabled adults without medical or financial tests. All six are now operative. Very shortly I will announce the location of an additional six to eight programs. By the end of this fiscal year this program will be available to those elderly and disabled people in from 12 to 14 communities.

At the same time as we are upgrading the provision of community-based services to se-

niors, we recognize the crucial role that facility care will continue to play. We have also recognized that the age of senior citizens going into homes for the aged is rising, and therefore their needs when they are admitted are greater. Last year we approved the conversion of 800 beds to extended care service. We are now in the process of approving the conversion of an additional 600. This government is ready to face the challenges our ageing population presents. We have to develop an affordable system that is responsive to individual needs and respects quality of life.

Let me turn now to my third major policy thrust: ensuring that appropriate supports are in place to help families care for their children and their elderly and handicapped relatives.

I anticipate that some of the discussion later in these estimates will focus on child care. I can tell the members of the committee that I am currently engaged in a comprehensive review of our needs in this area.

In his October budget the Treasurer announced the provision of 10,000 additional subsidized spaces. More recently, in the May budget, he allocated \$6 million to alleviate a number of pressing problems in this area. My colleagues and I are now developing a long-term strategy to address our future needs. I remain committed to building a system that is affordable and accessible and features an equitable distribution of resources throughout the province. Affordable child care should be viewed not as a welfare service but as a crucial social service that permits women full and equal participation in the work force. My hope is to develop a long-term model and then to implement it in stages. This affordable approach will permit a responsible solution to the challenges presented by the social trends I discussed earlier.

We are also in the process of developing new supports for families with special needs. Physically and developmentally handicapped children or other relatives can infuse affection and joy into their families. On occasion, though, they may become burdens, and we have set as a priority, providing new means of assistance.

These, then, are the three major policy thrusts of this ministry: changes in social assistance, an enhanced system of services to the elderly and support for families in special circumstances.

Let me now touch on some of the ongoing developments of the ministry, which will be of interest to committee members.

No recent program of the Ministry of Community and Social Services has captured more

attention province-wide than the so-called five-year plan. The last facility to close under that plan will shut its doors some time this summer. Significant successes have been achieved. Hundreds of developmentally handicapped individuals are now living in communities, experiencing a quality of life never thought possible by them or their families. Happily, I can report that the end of the five-year plan marks the beginning of a new era, a fresh effort by my ministry to enhance further the lives of the many developmentally handicapped people who count on us.

In the months ahead I anticipate announcing a new plan devoted to assisting this group of people and their families. We will enhance services for people already living in the community, for people moving there from various facilities and for individuals who will continue to receive facility care in the foreseeable future.

We are looking at new and creative ways of delivering community services. We want a greater range of programs, a wider spectrum of services. We want to be able to respond better to the needs of individuals.

Another area of the ministry's work that has captured a great deal of attention is the question of disclosure of information concerning adoptions. I anticipate that the members of this committee, reflecting the interest of their constituents, may have some questions in this area. Let me bring them up to date.

Last November, I publicly released Dr. Ralph Garber's excellent report on adoption disclosure. I indicated at the time that the government favours a liberalization of the existing rules. I advised interested individuals to make their reaction to Dr. Garber's recommendations known to me. The response of the public and agencies was overwhelmingly in favour of change. There was some disagreement, however, on how sweeping the changes in the rules governing disclosure should be.

Each of Dr. Garber's recommendations has been carefully reviewed. Members of my staff and my cabinet colleagues have walked with me along that very fine line, the one that is just the appropriate distance between the right to know and the right to privacy. Our proposals for change will be announced shortly. I am confident that those who are interested in this complex matter will find our response modern and sensitive.

Finally, I would like to turn to an area that has been of great interest to me personally. The ministry has for some time responded to the special needs of our native people by delivering

services that are culturally appropriate. More than 90 Indian bands deliver their own welfare services under the General Welfare Assistance Act.

The government of which I am part favours the development of aboriginal self-government in Ontario. This ministry has made substantial strides in giving native groups the capability to develop and deliver their own social services. As a result of an agreement with the Nishnawbe-Aski nation, we began the process of transferring children's services to Indian service providers in these northern communities by 1989. I am pleased to report that we are ahead of schedule. Payukotayno, Tikinagan and Weechi-it-to-win have been approved as service-providing agencies. I anticipate that these agencies will also be designated as Ontario's first children's aid societies run by Indians for native people.

Our dialogue with Indian and native leaders on the implementation of the Child and Family Services Act is continuing. They are assisting us to make the provisions affecting them fully operational. Since I became minister, I have personally met with the chiefs of Ontario and with representatives of the off-reserve organizations—the Métis association, the Federation of Indian Friendship Centres and the Ontario Native Women's Association. I believe I have succeeded in establishing a constructive dialogue that will permit the involvement of these groups in the development and implementation of new policies. I am committed to making this process work because, frankly, in the past native communities have not been well served by the traditional system of social services.

Today, I have set out for you my vision for the direction of community and social services in this province. I have deliberately avoided pulling out too many threads from the social policy blanket for minute inspection. I will leave the selection of these threads to the members of the committee. I stand ready to listen to their concerns, their criticisms, and most important, their ideas.

In the days ahead, I look forward to a positive exchange of views. Let us channel the energy that will spring from our inevitable differences towards the constructive evolution of the community and social services system.

I will be pleased to elaborate for members of the committee any of the ministry's programs or services. My staff is at its disposal. I stand ready to debate, listen and learn.

The Vice-Chairman: For the benefit of the members of the committee and the members of the public who are here, the bells are ringing. Mr.

Cooke will arrive to let us know when it is time to go and vote, so we can continue our efforts at beginning the thread-selection process.

4:10 p.m.

Mr. Cousens: Unlike the minister, who has had many days in this room with estimates for this ministry, this is my first opportunity to review in detail the estimates of one of the most important ministries in Ontario. It is a great honour to be here and I appreciate the spirit in which you have entered the discussions today and the words you have in your report.

I am pleased that you have with you your deputy minister, a very capable person, along with the staff who make the ministry as successful as it is. I do not think there is anyone in government who does not appreciate that the strength of this ministry lies in the grass roots relationship of service and commitment to the people of our province, which goes deeply into caring for and giving attention to the people we are trying to serve.

I am glad you have a number of people here and I hope you will have a chance to introduce various members of your ministry so that we can appreciate them in greater detail. They are the strength of the government of Ontario and I appreciate them and their contribution. They make ministers look good and they make government function.

Mr. R. F. Johnston: They did not always do it in the past.

Mr. Cousens: I do not know what happened in the past, but today there is—

Mr. R. F. Johnston: They worked hard, but it was an impossible task.

Mr. Cousens: We have to look at that more closely.

I want to comment briefly on a number of issues that are of concern, and as we go further into discussing your estimates, to explore them more deeply. This will signal some of the directions to which I would like to call attention.

Our party has grave concern surrounding the levels of social assistance in the province. The issue of poverty and the cries of the working poor are too often met with a basic lack of understanding on the part of the public. Our greatest danger is that of indifference.

During the past few months, I have had the opportunity to discuss these issues with an advisory committee made up of numerous representatives of the community and different organizations that represent the people who receive service from different parts of our

government. Some thoughtful recommendations have been made that include the need to raise the level of public awareness to the crisis we have at hand.

First, social assistance is no longer the stopgap measure of the past. I think you have to address it more seriously. Second, we must remove the stigma attached to the receipt of social assistance. Third, there must be a concrete attempt to reverse the negative cycle of our present system, one that continually perpetuates the dependency of the individual on that kind of service. It is time to return to the individual the concept of choice and to stop penalizing people who attempt to break the bonds of dependency. So much of what we are doing now ties them up, holds them down, keeps them back and prevents them from becoming the full people they are capable of being.

In this vein, I call on the government to review the criteria currently in place in the determination of assistance. More importantly, we must strive to help people to help themselves. In doing so, we can hope to remove the humiliating classification of Ontario second-class citizens.

I want to be made more aware of the scope and details of the minister's current review of our social assistance system. On April 24, I tabled in Orders and Notices a question requesting detailed information on this review that included the audit being conducted on the food banks. I was informed that I was to receive a reply to these concerns on or around May 22 and I have yet to hear from the minister. I would appreciate being informed of the status of this review, in this forum if possible.

I also want to point out revealing statistics by the Social Planning Council of Metropolitan Toronto in a report made public this spring. In Ontario, people on the social assistance rolls exist on incomes 25 per cent to 55 per cent below the poverty line. This inadequacy is further highlighted by interprovincial comparisons based on example recipients. Ontario's ranking ranged from fourth for a single, employable person to ninth for a two-parent, two-child family. I think my statistics differ from the minister's, but we will have an opportunity to explore them in greater detail. Great concern has been expressed for these people with respect to after-shelter income and their lack of mobility after shelter, food and clothing costs have been incurred.

Another area of concern is the level of child poverty pervasive throughout this province and this country. A report by the Child Poverty

Action Group in April 1986 states that in 1984 an estimated 1.2 million children were living in poverty. In 1983, children in single-parent families headed by women represented a poverty rate of 49 per cent.

In view of these startling statistics we as legislators must make a concerted effort to address the root of the problem, the obvious impoverished state of adults in this province. Therefore, I call on the government to expand on the excellent programs under the employment support initiatives branch, and in particular, the work incentive program. I realize that WIN is an income-tested program that is not federally cost-shared and in many cases does not provide a financial incentive to sole support parents. Further inroads must be made to increase areas that provide for retraining and restorative services for people outside the mainstream of our work force.

I want to touch on the handicapped. I am aware that separate estimates have been prepared for the disabled, but I feel compelled to speak to the concerns of the physically and developmentally handicapped. While the ideals of normalization and integration are to be commended, serious problems have arisen in the practical application of these concepts.

As for vocational rehabilitation services, I remind the minister that the recent discontinuation of sponsorship of post-secondary schooling has served to undermine these concepts. This move by the government has been nothing more than a disincentive to normalization by providing additional obstacles to the handicapped person. With regard to restraints on manpower in the VRS offices, I would like to know the exact numbers of staff currently employed in all regional offices and the current case loads of each. I have been hearing stories about this.

Further, we should deal with the lack of support services in community housing for the disabled and developmentally handicapped, especially those requiring attendant care, and the levels of income maintenance for the handicapped. Major concerns in all these areas seem to be chronic underfunding and the lack of viable community support and residential services to provide for the restorative process of normalization.

Another area of grave concern is the lack of autonomy of adult protective service workers in their dealings with the developmentally handicapped clients of the ministry. Representations have been made on behalf of these workers by my friend the member for Scarborough East (Mr.

Fulton). The situation has been documented by the Ontario Association for the Mentally Retarded in a September report entitled *Gaps In Services to Adults With Mental Retardation in Ontario*.

I want to touch on family violence and child abuse. Family violence is another crucial area of concern. I feel we must give serious consideration to the findings of the Badgley report and the Fraser committee. Badgley reports on a high incidence of child abuse and the relative inadequacy of our current laws in dealing with these atrocities. On a provincial level, we must concentrate on improving co-ordination of support service networks and facilitating a more immediate response to cases of child abuse and wife battering. While we must address the victims of abuse today, we must strive to prevent these actions from occurring tomorrow. I call on the government to review the workings of the province's children's aid societies as a major instrument in dealing with such issues.

4:20 p.m.

In 1985, Ontario's 51 children's aid societies provided services to more than 78,000 families. The prevention, protection and care services were delivered by a staff of 2,600 professional workers and approximately 4,000 volunteers.

In view of the recent strike situations involving the Children's Aid Society of Metropolitan Toronto, the Jewish Family and Child Service of Metropolitan Toronto and the Catholic Children's Aid Society of Metropolitan Toronto, this appears to be more than a labour dispute, contrary to the minister's view. There is a real call for action concerning the workings of the societies. Greater concentration must be given to the level and quality of services now provided.

In terms of child abuse, I request further clarification in the discussions we will be having regarding the adjustment of funds in the area of child abuse, found on page 71, and the transfer of funds to the Ontario Centre for the Prevention of Child Abuse.

The mental health needs of children are a source of great concern to me and our party. The report of the mental health task force of the Metro Children's Advisory Group on the rights of children, *Rites of Passage*, which was issued in March 1986, as well as the Chedoke-McMaster report of February 1986, outlined some of the problems that should be of concern to all of us. I am sure the minister is very familiar with them.

The fact that the needs of children with mental health concerns are continuously not being met

due to a lack of co-ordination of services across the province is part of the problem.

We are also very concerned about child care and the distribution of subsidized child care spaces. As one who has been looking very closely and carefully at the child care situation, I am concerned about the unequal distribution of child care spaces across the province, especially subsidized ones. The issue was raised in the House last week, and while a concerned response was given by the minister, I am still not convinced that the problem is being, or is about to be, addressed or faced up to.

I would like to see in place a system of incentives or perhaps even requirements that would lead to municipalities funding an adequate number of child care spaces. I even received a note back from the member from London, from your own party, who was also concerned about this.

There is also concern about needs testing, and what it is doing to people. I would like to see the elimination of needs testing to determine eligibility for subsidized child care. Ontario is the only province, despite what was said or indicated by the minister last week, that uses this form of eligibility testing. I find it difficult to believe that if there is a problem with using income testing in commercial child care centres, this cannot be overcome through negotiations with Ottawa. It is hard to imagine that the nine other provinces using income testing have not worked out an agreement for partial reimbursement. At the very least, there should be a standardization of criteria for subsidy so that eligibility does not depend on where one lives.

I am especially concerned about the discretion used when calculating income that can be exempted before determining eligibility. In some locations in the province, 25 per cent of the income can be deducted; in other places, only 10 per cent. This system clearly needs to be changed.

The Canada assistance plan is a welfare-based system and I would like to see the eventual removal of child care funding from the welfare framework. While this funding structure was originally intended to encourage low-income parents to join the work force, funding child care through a welfare framework imposes an improper stigma on parents using child care subsidies. I would like to see an improvement in the incentive structure for work place child care to encourage its development. Tax deductions should be made available to employers who finance the starting up of work place child care. I

feel these types of child care facilities increase morale, decrease absenteeism, reduce staff turnover and reduce anxiety for new mothers who want to continue working.

I am concerned as well about child care for handicapped children. In the context of a climate that supports the integration of physically and developmentally handicapped children into a normal environment, I am concerned that there are barriers to the integration of handicapped infants and young children into a normal day care environment.

It has been brought to my attention that when handicapped children who are fully subsidized in a centre for handicapped children are placed in a normal centre, they lose the subsidy. I would like to know whether the minister is working to have this type of subsidy made transportable.

I am interested in the 10,000 new subsidized child care spaces. I would like to have in front of me a breakdown of how many spaces have been created so far; where they are located; when they were created; and what age of child they are serving, school-aged, infant or toddler. I would like to see a list of all the municipalities in Ontario which at present have no subsidized spaces. It is hard to believe but that is a list I want to see.

Given that approximately half of these 10,000 spaces have by now been created, I would like to know whether the \$26 million is not in fact being used to create 5,000 new spaces. I would also like to know the figure the ministry uses to set the cost of a subsidized space; and what costs are contained in this figure, i.e. capital, startup, operating, etc., and whether this figure reflects reimbursement from the federal government. I would like a breakdown of the \$6 million.

I would like to see a detailed breakdown of how the \$6 million allocated in the last budget is being or will be spent. I am also concerned about inspection of day care centres, about the whole process of day care centre licensing and inspection. Inspectors are placed in a difficult position. On the one hand, they are asked to conduct a rigorous inspection of child care facilities and on the other hand, because of the very high demand for day care, closing down a centre creates a great deal of anxiety for parents who have to scramble to find alternative care. My concern is that the scarcity of child care spaces puts those who license and inspect child care facilities in a compromising position.

I would like to know the ministry's annual budget for the inspection and licensing of child care facilities. I would like to know how many

full-time and part-time inspectors are employed, their salaries, and the statistics for this year and the past five years on the number of facilities inspected annually.

I would like to know the number of times a facility is inspected annually, a list of any facilities that have been closed in the last five years because of violations and receive a copy of all complaints received by the ministry. I would like a detailed explanation of the ministry's policy in the event that a child-care facility is found to be in violation of the standards laid out in the Day Nurseries Act.

How are complaints or violations followed up? What are the penalties for noncompliance with standards? Does the ministry keep a file of complaints about standards of care in child-care facilities? Are complaints filed with the ministry available to the public? What information is available to parents selecting a child-care facility, who want to make sure that the facility has never been declared as substandard?

There is concern as well about indirect subsidies. I would like to have a list of the names and locations of all day care centres that are still receiving the indirect subsidy. There is some confusion as to when the indirect subsidization of child care centres will terminate. Mr. Duda told the Coalition for Better Day Care, that the ministry is in the midst of developing a new policy to relax the requirement for centres to terminate reliance on the indirect subsidy by the end of 1986.

Centres such as the Elmira Day Care Centre in the Waterloo region are writing to us in a panic because it has been told its fees will double at the end of December. Are you going to hold off on the removal of your indirect subsidies until you have introduced your white paper on child care? Will this new policy provide direct funding to centres? What are you telling these centres that are still using the subsidy? If assistance is given to centres still relying on the indirect subsidy, how is the ministry going to ensure that assistance is distributed fairly and not just to centres that have dragged its heels in terminating reliance on the subsidy?

Dealing with the informal sector: How does the minister expect to increase the percentage of children in the formal, licenced sector from 20 per cent to 50 per cent with only \$6 million in new funds allotted to child care? What support is the ministry giving to the informal sector? What support is being given to parents who want to look after children at home?

4:30 p.m.

This is an area that requires far more consideration than legislators in the past have given it. What support is being given to parents who want to look after their children at home? Is the minister in touch with his colleague the Minister of Labour (Mr. Wrye), to work on extending parental leave, a question of great concern raised by the member for Ottawa West (Mr. Baetz). I would like to see developments on several different fronts to increase the range of options for parents, including helping parents who chose to stay at home for a year and not just 17 weeks.

I am pleased to see you are still referring to your imminent Liberal white paper, but I am concerned that it is being scaled down. The longer the wait before it comes out, the more it is being tampered with and the less likely there will be action that is really going to do something about the problems we are talking about. It is our understanding that it was ready months ago, but that it is having trouble in cabinet. Is the minister waiting for a decision from the federal government as to how they are willing to cost share?

We are concerned, as well, with questions I have asked in the House about the minister's consultation with the federal government: To what extent has the minister been consulting with the federal government in an attempt to improve the child care tax deduction so it is available to parents with children in the informal sector and often the underground sector; to what extent will it reflect the true cost of child care; to what extent is it progressive in its distribution of benefits?

Further, we are concerned about the elderly. It is a matter of concern to our leader, the member for St. Andrew-St. Patrick (Mr. Grossman), who struck a task force on April 14 entitled care for the elderly. I realize how pleased you are with the efforts being made by the Minister without Portfolio responsible for senior citizens' affairs (Mr. Van Horne). His paper, which is now public, raised expectations to a level which were dashed by a number of the stalling tactics that were used in his report. The fact of the matter is that we need to have considerably more action and involvement by all levels of government to look after the elderly—not from the direction and viewpoint of a specific area that says this is the health view, or this is another view that has to do with residency, housing, or transportation. We have to look at seniors in the spirit of the whole person and not try to compartmentalize the service or the view we are taking of them.

We realize we are dealing with probably one of the most sensitive areas, but the chronic care needs and the need for chronic care spaces across this province are very real. There is a critical problem of logjams in the health care system where acute care spaces in hospitals are filled by chronic care patients at enormous expense to the province. It is critical—not only a long-term, but an immediate-term problem—to develop a plan to alleviate the pressures that are growing more every day in the care of our seniors needing chronic care.

I was surprised there was no mention in the throne speech of the regulation of homes for the aged. Homes for the aged are not subject to the same inspection and licensing structures as nursing homes. This is an area of growing concern which must be addressed. In the same regard, there are differences in approach, funding and standards between nursing homes, which fall within the purview of the Ministry of Health, and homes for the aged, which are within the jurisdiction of the Ministry of Community and Social Services.

Another area which is of growing concern is the power of attorney in homes for the elderly. The administration must ensure there is no potential for conflict of interest or abuse in this regard. As the demographic shift in our population becomes more acute, it is important that we address the current pressures which are being exerted on homes for the aged and nursing homes. The pressure of waiting lists is creating considerable concern that retirement homes are accepting elderly who need a level of care that those residences cannot provide. We must be vigilant in ensuring that standards are both effective and in force today.

This province owes its prominence to the work and the sacrifice of its senior citizens. They have provided for us a rich tradition. They have given us themselves, their lives, their livelihoods, their children. In turn, we owe them something; to provide them with a quality approach to a whole life, not segregated into parts that do not understand them and their needs. This will have an increasing emphasis, not only because of the demographics, but also because of the concern we should all have.

The Vice-Chairman: May I interrupt you, Mr. Cousens. We are being called to vote. You can continue when we return. Members of the public, the committee will be recessed temporarily. I do not know for how long, but until we vote. Then we will come back.

The committee recessed at 4:36 p.m.

4:54 p.m.

The Vice-Chairman: We will now resume.

Mr. Cousens: There are a number of other subjects that will be of great interest to us as we pursue these estimates. One comes out of the experience I had for a short time last year when I was Minister of Correctional Services. I am sure it alarms Mr. Sweeney as much as it alarms me when we look at the failure of society as a whole to consider the young people who are in trouble with the law.

This is not something that is easily solved. It is one area in which there is going to have to be an awful lot more compassion towards, understanding of and empathy with what we want from these young people. Do we want to punish them or get them back into society to fulfil the opportunities and lives they are capable of? Do we want a system that is segregating them from society and giving them reason to fail? Are we putting into place the kind of incentives on the part of those who are working with the young people and those who can guide and counsel them to get them back into society?

Are we looking at the models that have been established in other jurisdictions? I have spent a great deal of time studying them. These can open the doors to a new life for these young people. Are we living in an age in which we need to review who has the responsibility for them? You cannot accept that something that was right at one time is still right today. There is still some question about the way we are interpreting the legislation arising from the Young Offenders Act. In Ontario we seem to be doing it differently from other jurisdictions I am aware of. I would like us to spend some time on those lines as we come to them in the estimates.

I am concerned about the organization and reorganization of your ministry. There will be a number of specific questions as we look at that. There are certain changes and certain people who are in place. I do not want to prejudge those questions, but there are a number of factions there.

I am concerned as well about the fundamental family unit of our society. If we as legislators begin to place the home and the family unit in the perspective, as we should, of the most important single unit in society, we should be finding ways of reinforcing that unit. In anything we do in all the programs related to your ministry, there should be an underlying concern that the family is the most important unit of our society. Are we doing things to tear it apart, tear it down or not support it where we can? That comes through in

the support we are giving to families. To get specific, in some of the moneys we are giving to homes, the family benefits and so on, we are not considering the needs of the family unit. I am going to be touching on that because it is an underlying concern we have.

I will hold off for now. I have a number of other things I could touch on, and I will. There are no big surprises. I realize how vast the ministry is and how good a job so many of its people do. Their commitment to people is the most important element there. It overrides the lack of funding and the lack of government direction at times. Their caring for people is what has made this province look after many of the people we refer to: the children, the disabled and the different people who are clients of the service agencies.

It is not an age of public relations; it is an age of service. Underneath all the words, I want to make sure we are doing the right thing for those people. I believe that is the intent behind the minister's words.

5 p.m.

The Vice-Chairman: Thank you, Mr. Cousens. Before I call on Mr. Johnston, I want the committee members' advice. Dr. Burke, who chairs the Social Assistance Review Board, is with us today. I wonder if either the critic for the Progressive Conservatives or the critic for the New Democrats could indicate when they might want Dr. Burke to be here so they can ask her questions. Is that possible to determine?

Mr. R. F. Johnston: Yes, it is. It is something we can definitely determine. It is a traditional thing we do here.

The Vice-Chairman: Determining things.

Mr. R. F. Johnston: No, determining when we see the SARB head. It would be wise to do it at the beginning of the week so she has some time to pull together statistics that will be requested of her, at least by me.

The Vice-Chairman: Would you suggest Tuesday?

Mr. R. F. Johnston: Monday or Tuesday, whichever is better for her.

The Vice-Chairman: How about you, Mr. Cousens?

Mr. Cousens: I am open. You are going to find that I am most co-operative with the honourable member of the third party. I look forward to interviewing Dr. Burke, and I have quite a number of questions as well. Next Tuesday would be just fine.

Mr. R. F. Johnston: You decide, Mr. Chairman. We are easy.

The Vice-Chairman: Perhaps Dr. Burke would like to come back on Tuesday, at which point there will be a wonderful opportunity to share the co-operation that prevails in this committee. It is an amazing thing.

Mr. Cousens: When does the minister want her back? We should ask Mr. Sweeney.

Hon. Mr. Sweeney: The only point I made to the chairman was that it did not seem profitable to have Dr. Burke here every day if a decision could be made in advance. It is immaterial to the minister as long as the members of the committee get an opportunity to raise questions directly with the chairman as well as with the minister and his staff.

Mr. R. F. Johnston: Great. We will need to have copies of the annual report for the other members. I presume the critics have them, but there will be a number of other things they will want.

The Vice-Chairman: That will be Tuesday, June 24, after routine proceedings. Thank you, members of the committee, for that helpful co-operation. It is now your turn, Mr. Johnston.

Mr. R. F. Johnston: I am used to being in this seat; I have been in it since 1981. For me, this is the same old song, although I appreciate the brevity of the minister's statement and the fact that there were no reannouncements in it posing as new announcements.

This is a brand-new thing for us, Mr. Cousens. This is the first time since I became critic in 1981 that programs which were already announced were not reannounced as new in the statement by the minister.

Mr. Cousens: I thought there was one.

Mr. R. F. Johnston: No, not as new; just stated again.

Mr. Cousens: Just stated again, but it was not really his in the first place. The initial six sites listed at the top of page 17 had their origins before.

Mr. R. F. Johnston: Do you want the floor again?

Mr. Cousens: No, I just like the way you are beginning.

Mr. R. F. Johnston: I see. You are going to enjoy many of my comments. You are very witty.

The Vice-Chairman: On that note, perhaps we could allow Mr. Johnston to make his comments.

Mr. Cousens: I am sorry. He was being so friendly.

Mr. R. F. Johnston: That is right. We will continue in the spirit of co-operation. I want to start by complimenting the minister and the ministry on a number of things that have taken place over the last little while. Then we get to the "but" and go on from there, but I will start off with the compliments.

A number of things are so much improved at the moment that they need some recognition. As a critic, the first is the ability to consult. That is something I really appreciate. It is a little hard. I have withdrawal symptoms after dealing with a minister who usually referred to me as a yahoo or a bozo, or other nomenclatures that are very parliamentary.

The Vice-Chairman: Or bleeding heart.

Mr. R. F. Johnston: Bleeding heart. Thank you, Mr. Reville.

The Vice-Chairman: I did not mean to interrupt.

Mr. R. F. Johnston: No, any assistance you can give would be greatly appreciated. My memory is not always precise about these things.

The former minister also barred consultation, so much so that whenever I did get information from members of staff and the ministry, I was always afraid their heads were going to roll as a result of their passing on straightforward information to me as critic.

Those days are gone, and I am very pleased they are gone. I have had helpful meetings with the deputy and other members of the ministry, and, of course, the minister. I appreciate that.

The other useful thing is the way you have been consulting with groups around the province. That was done in the past. While it is political it is also a minister's responsibility. In the past the minister would not speak to some groups, he would only yell at them in crowds. You are talking to people and have a reputation for concern and earnestness. That also is welcome.

Finally, to the deputy: The reorganization that is under way is welcome. During the last three or four years, mostly since Mr. Norton's regime, I have sensed the ministry has been in a state of managerial chaos, affected by incompetence at best at the top. I am pleased to see that also has changed.

The largest single failure I see at the ministry is that while it has been undergoing steady reorganization and building, and looking at issues in the long term, something which was often lost in the

past, it has been short on meaningful action. I say that within the context of the government which had an \$800 million windfall in its budget this spring. When that kind of money is available, it is disappointing to see so little in the budget going towards your ministry's responsibility. I should chastise the Treasurer (Mr. Nixon) for that, but you are the minister responsible. It was also disappointing to see that more money was not going into some of the important concerns raised by the Conservative critic and which I will be raising also. It is especially disappointing, given the work I have been doing during the last few years on income maintenance and the major changes required there.

I can applaud some things regarding the ministry's approach and note others about which I am very unhappy.

To start positively with the applause, after the exchanges in the House in January I was pleased that the ministry decided to move from an internal review of the income maintenance system. This is in a shambles in this province and not at all like the way it was described—a lean-to added to a building still capable of standing. In my view, it has been collapsing on some people all over the province making it very painful for them for several years. The semblance of continuity exists only because the people and politicians of the province have never made it a priority to address the question of redistribution of wealth systematically.

5:10 p.m.

I was glad you decided to establish a task force. I should be pleased that you indicate it will be announced before the House rises, but I am not. When it was raised in the House, I thought it was recognized as an enormous problem and thus there was a need for haste. In one of your answers to a question in the House, perhaps to the member for York Centre (Mr. Cousens), you said you thought this group may be able to report by the end of the year. This is becoming more and more impossible for them, given the time it is taking to get off the ground. Perhaps it is just my political antenna twitching, but I sense the problem is not so much of your own making as a desire of the office of the Premier (Mr. Peterson) to be involved in all things. The appointment of this task force is taking undue time because somebody has a notion of representation which has little to do with questions of confidence and being able to deal with this in quick terms and more to do with how such a task force would be seen.

I understand that is important but I would pass it through you, if I could, to whoever is slowing up the process of getting these appointments through, that there are a lot of people who are suffering very badly at the moment. I would like to give you some examples. Last week we talked to people in the various food depots and missions in Metro Toronto.

Second Harvest, which I raised when we first introduced the notion of a task force, has now distributed 260,000 pounds of food in the first five months of this year. That is more than they distributed in the entire period of 1985.

Consider that this is not a number of people who are on the rolls. It is not the number of people who are identified as living in poverty under the official system that we have out there. This is the actual need of people who took the time and effort to either organize themselves into groups, or join groups that were already existing. Then they went and said to Second Harvest, "We want to be on your list" and then took the time and energy that was required to go and actually get the food.

They serve 45 agencies now and another 10 are on the waiting list. They are currently having difficulties, just in structural terms, in getting the food out to them.

Rev. Zeidman of the Scott Mission, who has been doing this work for many years, has noticed that there has been a slight drop in the number of single people going in the last little while, but they are still serving an average of 500 meals a day.

They attribute this slight drop to other agencies getting into the field and giving out food directly. That is why they think they are down slightly. They have handed out, on an average, 1,700 bags of food, and they have people coming from as far as Mississauga, Scarborough, Markham—not many from Markham, but some—and Pickering to pick up this food.

Dennis Drainville, who has, I know, sent you his documents on the Anglican Church's work on poverty, is from Stop 103. He is now leaving us and going to Montreal; sadly for the work he has been doing as an advocate in this area, but positively for himself. He says that they expect Stop 103 to give out \$300,000 worth of food this year. That is more than twice as much as last year.

Let us put this in the context of the political rhetoric of our day. We are out of the recession and we are back to that period of time when we all can be millionaires and from south of the border the myth of Horatio Alger is now part of our lives

again and everything is fine and dandy. Yet they expect to double the amount of food they are giving out, over last year. This is very basic stuff we are talking about. In May, they served 2,500 families, representing about 4,500 people, and they cannot keep up with the demand.

The Salvation Army says it is getting 175 to 300 new cases a month. In the past, less than 10 new cases were normal.

We talked to the St. Vincent de Paul agency and it basically said it could no longer keep up and was wondering whether it should be trying to maintain the service. The minister knows about this fantastically flexible infrastructure within the Roman Catholic Church that has been out there for years to help its own community, an organization which has been longstanding, and yet is having difficulty keeping up. It says that it often has no food left to give out and has to send people off to other agencies.

We are all aware of FoodShare which brought the potatoes in from Prince Edward Island. It disposed of about 170,000 pounds of potatoes in just a few days. The woman we talked to there said that she could have got rid of a million pounds without any difficulty at all.

Think about the situation, about a person who would actually take the time to go and seek out FoodShare to get potatoes—and those are not the most expensive goods you find in your grocery store. We are not talking about steak here; we are talking of potatoes, for goodness' sake. Yet, people wanted them so much in Metropolitan Toronto in 1986 that they got rid of 170,000 pounds in just a couple of days. They were sold as fast as they were bagged.

Within the context of not making any changes in the social assistance system until it reports, it has been four months since your commitment to setting up this task force was made to the groups that contacted you. We still do not have it announced. I just find that incomprehensible. I thought there was an understanding amongst us all of how serious the situation was.

I was looking at the case loads for welfare. As you know, over the last number of years, the Conservative government never maintained welfare statistics that were published and made available to people—well, they did. They gave them out about a year and a half afterwards.

I started collecting statistics from the administrators of welfare departments around the province, and doing comparisons month to month and year to year. That is when we started to see that the system was worsening. There is a systemic problem; it is structural now. There is a

marginalized group in and out of poverty all the time. Welfare is no longer some short-term, two-to three-week stay; it is a five- to six-month stay in many communities, and sometimes much longer, on an individual basis.

We have not been able to get all the figures; it is often difficult around the middle of the month to get them all. However, looking at the figures for May, it appears that they are down a bit month over month. There is little doubt about that. Then again, they usually are. June is usually a better month than May in terms of employment.

The figures are also down a bit year over year. If you look back to the beginning of the recession—taking 1981, 1982 or even 1983, and looking at the figures—they are all up.

I will just look at Metropolitan Toronto's. We were told that there were 33,965 cases. As I recall, there were somewhere around 20,000 in 1981—if that. It is down about 1,000 cases or so from this last period. However, there is a new underclass of people living in poverty in a place like Metropolitan Toronto that is not changing with the supposed drop in unemployment.

Here we are, in a province whose unemployment rate—I cannot even remember what the latest figure is. I am sure the minister could tell me offhand. It is one of the lowest in the country, yet there has been no change in the numbers of people on welfare.

Take your own overview of statistics on welfare. Again, it is an estimate for this year, but you are presuming that in the employable category, there will be 119,000 beneficiaries—total cases and dependants. That compares with 72,713 in 1981-82. This is on page 41 of your briefing book.

Overall, there are 186,000 beneficiaries versus 150,000, but it only looks as good as that because you have managed to transfer more people from the unemployable list to family benefits over the last number of years. The family benefits list has gone up an appropriate number. Your own statistics bear out the fact that, although there has been a bit of a dropoff since the height of the recession, there is now a much larger underclass of people in poverty.

5:20 p.m.

I go through the little towns, such as Brockville that has 304 cases. That is way up from what it was in 1981. I am sure I remember that. The only one that I find that is down is Windsor, and that is because Windsor went into the recession much earlier than everybody else did. It was the first hit when the auto pact started to get hit before the other areas of the economy. Places

such as Waterloo, the Niagara Peninsula and Hamilton, where we now have one of the lowest rates of unemployment in the province, still have a huge number of people on the lists of welfare recipients.

Yet, it has taken months for us to hear today that a task force will be announced before the end of the session, which one presumes will be the middle of July. We had hoped we would hear sooner than that. Given the scope of what we are dealing with here, I wonder how quickly we are going to get any action. I agree with you in your statement that the end result of this is going to be major legislative change. It just has to be.

There are people who are now so badly affected whom we could help immediately, in ways that are more consistent than you did last fall—and I will come to that in a minute. There are ways that we could help them significantly at the moment without affecting the mandate of the task force one iota.

Let us deal first with some of the structural problems. What your predecessors have given you is a horrible mess, I agree. Throughout the period of the late 1960s especially and, more important, during the 1970s, when there was a real economic crunch on government and the middle class was crying that it was already paying too much, there came a tightening up of dollars going into the field of income maintenance. As a result, we developed a system that became very mean spirited and very politically sensitive in the most negative way I can think.

That has developed into what I call the system of good guys and bad guys in recipients. You were good if you were politically acceptable and you were bad if you were politically unacceptable. You could see, by the increases people received during that whole period of time, whether they were good or bad. If you look down the sheets of the ministry documents for the estimates, you can see who are the good guys and who are the bad guys still today because the remains are there, even if there has been some change in that in the last little while.

The really good guys are senior citizens. They were acceptable because we all are going to be old. We all have parents or grandparents who are old; we want them protected and we believe they have paid their way. All those types of attitudes are involved. We have been indexing their pensions. That is how acceptable they are. They have been totally protected except for one brief period when the recession got so bad that even they were threatened briefly.

Also, we know how important they are politically. Let us face it, if they voted as a block, they could determine the results in any constituency anywhere in the province. So we get governments paying a total sort of obeisance to that group in society, at least rhetorically, if not in dollars. I will come to that when I deal with the elderly in more specific terms.

As a result of that, in 1986 a single senior citizen in Ontario—I have more than a sense of *deja vu*; there is a sense of me just wanting to pull out past speeches and hand them to you rather than saying all this again—who is receiving a monthly allowance to live on through various forms of assistance, federal and provincial, will receive between \$170 to \$240 per month more than the amount a single disabled person will receive in this province.

The reason for that is that for many years, the physically disabled person was less acceptable politically. There were not as many of them; they did not have political clout. A lot of us did not even like to deal with notions of physical disability and a mentality developed during the 1960s of shoving people like that aside. It was not until the International Year of the Disabled came on the horizon that all of a sudden we started changing our policy. You can see it. They started to get bigger increases than other groups and they started to eat a little bit into the money difference between themselves and senior citizens.

I remember the present Minister of Labour (Mr. Wrye) regularly getting up in the House and challenging the then head of the social development secretariat, or whatever it was called, and saying, "That is totally unjust and it needs to be changed today." The Liberal policy back before you became government was that the anomaly, the difference between the two groups, should be wiped out.

None of us wants to think that what the public believes to be true is true, that you say one thing in opposition and another thing in government and what is supposedly possible in opposition is not possible in government. There has not been one gesture by your ministry to close that gap. In response to one of my questions on it you said there would be a review which would come up with whatever solutions there were going to be. That is not much solace to the disabled people who feel discriminated against, less acceptable, less of full citizens, than our older people.

The next level is even less politically acceptable, the people on other forms of family benefits. I am speaking specifically of the single

mothers about whom you have always had a strange ambivalence in political terms. You want to protect them and give them money because they are women with children. I sometimes wonder whether this is a child-oriented society. We say they should receive sufficient money to look after their children—at least that was the theme behind it—but they are also politically unacceptable because of sexist attitudes in government in regard to marriage breakdown.

Referring to the last comments that the critic for the Conservative Party made about the preservation of the family, we all agree, except that in social policy terms family has become a euphemism for the full nuclear family. If you are a member of anything other than the full nuclear family, you are less acceptable. Inherent in our policy in the past has been a notion that these women are somehow responsible for their lot, causing the breakup or whatever, and that they are not worth as much in dollar terms in our income maintenance system as other groups I have talked about.

Let me point out what we pay foster parents to look after kids taken from family benefits mothers by children's aid societies in this province. We give more money to foster parents to look after those kids than we give family benefits mothers. So much for our belief in the family, our support of a mother's ability to look after her kids. I have not heard you address that issue although it has been raised for years, and as you say, you have been involved in this committee for many years.

The family benefits mom is a victim of other regulations, such as the man-in-the-house regulation, which reinforces this notion of her moral status within our society. That regulation has been begging to be changed for years these many years, but these mothers are still more acceptable than welfare recipients.

Maybe someone can explain why we preserve a differential between unemployables and employables in this province. The dollar value is about \$11 to \$15 dollars a month for a single employable person versus a single unemployable, as if that makes the difference between the person who cannot help himself, who is an ex-psychiatric patient in and out of hospital, and the ultimate leech on society, the able-bodied person who somehow defies the myth of our society that everyone can have a job. We give a little more to the ex-psychiatric patient.

5:30 p.m.

If you look at the amount they have to live on, you ask, "How on earth do these people exist?" If

you have extra problems, such as an ex-psychiatric patient has, it is no wonder we have a revolving-door system. It is not only that we do not provide other supports to them in society, but also the economic status those people have when they come out of an institution and start to live in downtown Toronto.

Does anybody wonder why we then put them back in institutions in short order at an incredible expense to our society? What is the per diem at Queen Street Mental Health Centre now? It would be fascinating to know. I am sure it is about half of what they get to live on per month these days as single unemployables on welfare.

We have allowed that range to maintain itself and to get worse during the years when budgets were tough under the past Conservative government in this province. It is not just you; you can look across the country and see other provinces that did the same thing. It is a question of who is politically acceptable and who is not. It is that straightforward, or the social policy would have been changed. The lowest of the low of this group, of course, are the unemployables. That is still the case, and you maintain that difference.

Here you are with your words about helping kids. I agree with you that they have been living in poverty. We tried to bring that to the floor a few years ago when we had our sessions on poor kids here at the Legislature. Only two or three members bothered to come to them, even though we held them in committee rooms. I agree with you that they are the silent sufferers within our system. They are invisible, generally speaking. Maintaining poverty groups that are identifiable often occurs because we leave those kids without resources.

The kid growing up in Regent Park in Toronto has much less chance of making it in this society than does a kid from Forest Hill, but you maintain the difference. You came out with that winter coats program which offended me in the first place, as you know, because of the notion that we should specifically say it is now wintertime, around Christmas, and family benefits mothers are having trouble with their budgets. They have trouble with their budgets all year long because of this structured underfunding that has gone on for the last 15 years in this province.

You then said that general welfare parents did not get access to the same dollars for the same kind of needs, even though we know they get less, even though we know that the average stay on welfare now is very long. There is no need to victimize the kids just because we have set up this

damned structure which discriminates against groups.

I agree that the task force has to come back with the overall social policies that are going to change that long-time structural situation, but to think that we have an \$800 million surplus of expectation—I think even more than that. That is a whole accounting game that Treasurers have to play in this province as they keep their cards close to their chest as protection against possible elections and such things. With that money available we made no attempt to address some of these inequities and to say they were unacceptable to us. That is a message you wanted this task force to get and that was a terrible error on your part.

It may be that you have to wait for the task force to deal with the questions around the discretionary powers of the municipalities on the subject of welfare. That may be the case, but I find it difficult to understand. I raised the question in December I think—I cannot even remember when now; I lose track—of medically necessary travel, of cases of certain welfare districts in this province that are less disposed than others to assist their recipients unless it is to buy them a bus ticket out of town so they can go somewhere else where the plans are more progressive.

I raised the case of one woman who had 13 or 14 stomach operations and who needed more work done at the Peterborough Civic Hospital. She lived a long way away from there in Haliburton and was refused medically necessary travel. I was told this would have to wait until we looked at the whole question of discretion and the rights of the municipalities not to participate or to participate in a partial way, or whatever.

The great irony was that, at exactly the same time, within a week or so as I recall, you at last came through as a government with your plans for medically necessary travel from northern Ontario. It seemed to me to be a terrible irony that some of the poorest people in this province, in some of the most repressive welfare administrations, were going to sit there as victims of that on a continuing basis because of the discretionary powers that are invested in it. At the same time, we at last recognized that we had to help people from northern Ontario, no matter what their income, to be able to fly down to use the Hospital for Sick Children or the coronary unit of one of our teaching hospitals here in Toronto. What a bizarre and incongruous statement that was; such things cry out for justice.

If we believe in the right to health care in this province, and I gather that is part of what the battle around Bill 94 is all about—we do not have to debate that here, it is being debated upstairs—but we all believe in the premise of the right to health care. It seems the questions even in the House these days are reflecting that.

Why is it, at the same time as we are making those kinds of statements on Bill 94 or providing medically necessary travel from the north, we are allowing where people live and how much income they have to be a determinant of whether in other parts of our province they can get medical care suitable to their needs? I find that incomprehensible, and I hoped we would see some recommendations in that area.

I have a case here I found dumfounding, and I want to refer it to you. This is not medically necessary travel, but it is a real indication of the problems we have with a municipally based, property-tax-based, income maintenance program. I have not gone into that being part of the structure of why we also have made welfare recipients the least acceptable by putting them as the only group on municipal taxes, so municipal politicians also have to take part of the heat for it.

I remember Frank Drea used to play off the municipalities when it came to increases all the time. He said: "I went to the Association of Municipalities of Ontario and said I want to give seven per cent to all the income maintenance recipients. They said they could not afford that and were already running into problems with their property tax increases. So I said we will give five per cent to the ones on welfare and seven per cent to those on family benefits." I remember that, but I cannot remember the year. I wish I could. I would have brought the quotes for you. However, paying them off, whipsawing those people, has been something I think is really unfortunate.

Here is a case from Owen Sound which I find stunningly ludicrous, as are many of the anomalies within the system as it has deteriorated over the years. There were two kids, one 18 and one 19, living in Owen Sound and both going to school. The father was on trial and was very probably going to be convicted of assault and sent away. There was a family house they could live in, but they were denied welfare, according to them, because the regulations say that to qualify for student welfare you cannot be living at home and you must be in a room-and-board situation. You cannot be a renter and you cannot have a room. According to a local welfare worker, they had to have a proper place to study

and three meals on the table every day. They still do that for 18-year-olds in Owen Sound, I guess. Somebody puts the food on the table for them. Otherwise, I was told, all the kids would go on welfare.

5:40 p.m.

I do not know what was expected of these kids or where they were going to be sent in a place like Owen Sound, but that was the kind of decision making that was taking place, the nutty interpretation of regulations that is happening around the province. I happened to see that case as I was going through my files today. Obviously, I could go on and on about such cases.

On October 29, 1985, I raised with the Treasurer (Mr. Nixon) after his mini-budget the fact that he had forgotten his promises during the election about Ontario health insurance plan premiums. He had not raised them, but he had done nothing to protect the working poor in regard to premium assistance at that time. It seemed to me I saw a genuine look of "My God, that is an oversight; we missed it," on the part of the Treasurer, and he did indicate to me that this would be addressed in the spring budget.

Why is it, Minister, that when something was finally announced in that budget, you allowed it to be introduced in such a way that there was no increase in this year at all? It will be almost two years from the day that you people took power or were given power—

The Vice-Chairman: The people give power.

Mr. R. F. Johnston: The people give power, and some of us facilitate it. Why is it not until the next calendar year that those premium assistance changes are going to come into effect? How could you possibly let the Treasurer do that knowing, as you do, that people on minimum wage, \$4 or \$5 an hour, are having to pay premium assistance under our present system? It is unthinkable that should be allowed to go for another year.

Let us forget that you have a social assistance review that is going to happen some time this year and that will report, I hope, by next spring so we can see something in terms of a budget next year. You knew months ago—in fact, you knew a year and a half ago because I raised it at that time—that unless there were changes, those people were not going to be covered when the new minimum wage came in. How is it possible that, with the extra money we had, those people were not made eligible at the time of the budget instead of having to wait until next January?

Given the situation a lot of our people are finding themselves in, I find the lack of a sense of

urgency, by your own statistics, by my statistics and by statistics from the administrators around the province, a terrible indictment. There is a lack of action in areas where you could have taken it by this point.

I will move on to some other things. I have a tendency to talk about income maintenance for hours. Once your committee is struck, I will get my chance, as will all the members of the public, at being able to influence its recommendations. Perhaps, when we come down to some line items, I will raise some other matters.

I will move to one associated thing you referred to in your statement about your dealings with the Minister of Housing (Mr. Curling) and the importance of understanding the interplay between housing and poverty, something I wish had been accepted in past regimes. The lack of public housing starts since 1977 have left us with the intolerable waiting list we have at the moment. I started concentrating on the long lists in 1982 or 1983. There is a lack of a notion of integrating the two ministries in regard to the real needs.

I am glad to see starts are being accelerated. In spite of the accord, the figures that are being used are not as generous as they should be. You are actually underplaying the things we requested in our accord in terms of basic starts that should be established. I can come down to the actual figures on that if you want as we go through this, although it is not your ministry.

I want to stress to you—and it addresses something Mr. Cousens was speaking to, which I was pleased to hear, although it was totally out of touch with his past government of only a year ago—the whole notion of the philosophical underlay of our policy in the social welfare field. We have not had a policy of empowerment to enable people to participate. We have had one, of what I have termed in the past social apartheid, of maintaining people in poverty instead of helping them to extricate themselves from poverty.

I think of Bishop Tutu's words on the lawn out here when he was speaking the day after his address to the Legislature. I happened to be there. He talked in South African terms about something we should take seriously here in our terms. They have a politics of exclusion there rather than a politics of inclusion, and in social policy terms we have had the same thing.

The way we look at housing starts for the poor, we have always ghettoized them. We have always tried to keep them out of the mainstream, and that helps to develop cycles of poverty. It helps to make people feel that they are not the

same as the rest of the society, that they are less than the rest of the society, that they do not have the same rights as we do and should not have the same expectations.

That is hammered into you. If you are living in Ontario housing, you know how much space you are allowed as a family unit. The state will tell you what your expectations should be. The same goes for senior citizens, of course, with respect to what kind of accommodation they can expect to receive when they go to an old age home or to a senior citizen's apartment.

When I was on the welfare diet a number of years ago, it really struck me that, in this hierarchy, if you are on unemployment, you are allowed to maintain your apartment; but as soon as you become a single person on welfare, you are expected to take a room. That is your cage. That is your slot. That is where the state says you will be kept. Those are your limitations.

If the Minister of Community and Social Services is dealing with the Minister of Housing on this and if he wants to have an integrated view of housing and social policy, then the housing policy that must be developed has to be one that integrates those people. There has to be a systematic dismantling of Ontario Housing as it currently exists and a changing of that housing structure to one of integrated housing and, if possible, of co-op ownership.

They should feel they have a stake in their society and should not be told they are being kept here by the state and consequently develop all their attitudes around living in Warden Woods in my riding, in Regent Park, downtown or wherever. Rather, they have a stake in the ownership of it and should feel they have not lost the rights of citizenship. That is the message we give people: Once you fall into the safety net, you lose certain rights of citizenship.

I would encourage you to think not just of adding spaces. That is always our inclination, whether it is day care or, as in this case, housing, to meet the enormous waiting list out there. We also have to think in different structural terms or we will continue to have people there who do not need to be there, who cannot extricate themselves because of the social milieu we end up putting them in.

I want to deal with family violence. The minister and I both served on committees around the time of the family violence hearings. You were a member of the committee, were you not? You did sit in now and then, did you not?

5:50 p.m.

In the spring of 1982 I referred out the annual report of the ministry to deal with the whole question of family violence. Ironically, we would never have got it through—for members who were not here at the time, there was a majority government and there was no way you could guarantee you would actually get a debate of other than a few minutes on something a private member wished to get referred out—except that our colleagues in Ottawa made the wonderfully stupid political mistake of tittering when the federal report on wife battering was introduced in the federal Parliament. A number of sexist comments were made in the boys' club up there, which could easily have been replayed here, I am sure. However, that got public notoriety, and just around that time I made the referral out. As a result, there was much more sensitivity to that issue.

At that time the standing committee on social development produced a unanimous report of which I am very proud. All the members of the committee at that time should be very proud of what we came up with on wife battering.

I will draw something else to your attention in case you have not reviewed it lately. I had cause to do so because I had to speak to the Interval House association the other day in Waterloo.

Some of the things we passed unanimously in that committee have still not been acted upon. They do not all fall on this minister, of course. A lot of them are for the Attorney General (Mr. Scott). There are matters relating to the courts and how they have been less than helpful to the victims of battering. However, the funding of transition homes and the social policy relating to them were things we did deal with—they were recommendations 22 to 27—because we have been talking about housing as well.

First, recommendation 22: "The Ministry of Community and Social Services should introduce without delay a bill devoted exclusively to the issue of wife battering. In particular, the bill should ensure that the capital and operating costs of transition houses for battered women and their children, including the costs of support services, are adequately funded. Standards for the houses should be prescribed."

That report, you may recall, came out in November 1982. In October 1983, 11 months later, the government of the day responded to it. This was unusual, not in the sense of its taking so long—that was not unusual at all. What was unusual was that it responded, because there was no major requirement under our standing orders for it to do so. Although it moved and took a

number of initiatives seriously—and I thank it for that; the committee should be happy and proud in that respect—it did not move on the question of funding.

As you and members of your ministry will know, the funding is done under the General Welfare Assistance Act, with all the limitations involved in that. Municipal sharing is lumped in with the same kind of social policy view as shelters for transients. Seaton House has the same kind of status and funding formula as do transition homes for battered women.

All the problems we have in even getting these things started in communities, because of municipal reticence, are there. There is a huge range of per diems, from those of places such as Metro Toronto, which pay more than the amount allowed in the legislation and top it up so that all sorts of extra programs can be provided, to those of smaller municipalities, where I think there are still per diems of around \$9 per day, much less than half the legislated per diem.

Nothing has been done to bring out that kind of act. There has been no commitment from your government to do so, even though Don Boudria, Sheila Copps, Jim McGuigan and Jack Riddell were on that committee. They all signed it, they all agreed to it; and yet we have not seen that legislation brought in. Instead, we maintain a funding method that, in my view, is totally inappropriate to the social need involved. I wonder why you have not done anything about that, because I know you are sensitive to that whole issue.

I am looking at the line item on this. I just shifted my head again and I saw page 56. Instead of looking towards a new act with some systematic standards, with money for capital construction, with the capacity to provide counselling services in the home to provide assistance to the kids in the home—

One of the things we learned in our study was that about 40 to 60 per cent of the kids who come from battering families, where they have seen their fathers batter their mothers, will become batterers. The time to intervene and to make sure this behaviour does not develop should be when they finally escape the battering environment. However, nothing is done for them. There is no program for them except in some places such as Metro, where they have volunteered to give that extra dollar above and beyond what is in the formula.

We have moved to these second-class replacements for transition houses, the family resource centres, which were brought in by Frank Drea, at

a time when there were federal construction dollars around, because it was cheap to get these things constructed. Then he funded the darn things at the minimum wage. Where did he put them? He put them in northern Ontario, which had a problem getting transition houses at that time, it is true, and needed something.

However, instead of recognizing that there might be extra costs in northern Ontario, that you might need to bring in extra expertise to have on hand in the home, he insisted that they all contract out their conditional services to the people in the communities there. He paid people minimum wage and did not respect the need for bilingual services, for instance. They have people working in these resource centres in the north who provide bilingual services to people and who are paid \$4 an hour.

Now I notice that we have gone from his 12 family resource centres to a planned 21 for this coming year, under the same approach, I gather. There is no enhancement of programs, no recognition of the need to use provincial dollars and, in my view, no message—and this is what we were after in the act—about the importance of this issue by giving it its own legislation. Instead, we dump it into legislation that is based on welfare needs and all the stigmas attached to that.

You know the funding is based on how many eligible people go into that home. That is how it works. It is based on the number of people who would be eligible for welfare in that community and are actually in the home at the time. It is not based on the number of spaces or on the average attendance during the year, and it does not reflect the fact that it is often difficult to get welfare in some parts of the province. Women who come from good middle-class homes have no access to the dollars.

I find it strange that you have not moved on this. I will be interested to hear your comments on it.

Recommendation 23 says: "The Ministry of Community and Social Services," in the interim, "should fund shelter services beyond room and board on a block-funding basis." There is no change in that area.

Recommendation 24 says: "The Ministry of Community and Social Services should increase the per diem ceiling of \$20." That was done but, as I say, it applies only to certain communities.

It also talked about the need for second-level housing, for Ontario Housing to recognize a moderate need of six to nine months for women who are coming out of transition homes. Nothing has been done on that. As far as I know, Ontario

Housing has still not changed its point rating system to give extra preference to victims of wife assault.

The Vice-Chairman: They say they are working on it.

6 p.m.

Mr. R. F. Johnston: Yes, they are still working on it.

I understand the difficulty of Ontario Housing, considering its waiting list. Any member who deals with these cases knows that for somebody to get into Ontario Housing these days, he cannot just be out of a house, and he certainly cannot be just overcrowded. I had a family of five in a one-and-a-half room basement in my riding, and I was told they would be well down the list because there were people on the street who had kids who were sick, etc., and those were the people who might get in within a month and a half. Therefore, I understand why it has not made that major change, given the problems it has just in trying to work people off the waiting list it has been left with.

Concerning what we have down in here about some of the other things on wife battering, I will raise them when we get down to those line items.

There has been no action. I expected there would be no further action from the Conservative government of the day, but I hoped I would see action from you and your government. May I remind you that on March 15, 1985, the present Premier (Mr. Peterson) said to the Lakehead Women's Commission:

"We have to get elected so that we can ensure the safety of all abused women seeking a shelter and counselling. We do that by making a solid commitment to both first- and second-stage shelters and services. We have also introduced a bill devoted exclusively to services for battered women."

He then went on to say: "In the reality of Frank Miller's Ontario, Mississauga has only one battered women's shelter. It has to serve all of Mississauga, Brampton and Caledon. That is more than 500,000 people. In 1984 alone, the lone shelter turned away 1,000 desperate women and children."

I would ask you to check on the status of shelters in Mississauga, to check out how many women and children are still being turned away from shelters in Ontario and specifically to ask the Premier why he made that commitment in the document I referred to, while a year and a bit after you have come into power, there is still no word on what you are going to do about it.

Another continuing theme is the children's aid societies. Again, I realize you have been left with a mess that I believe was primarily the creation of the past deputy minister, but I wish there were some way you could change the historical pattern that has developed. This is my view of it. You can tell me in your response whether you agree.

There came to be a concern about the funding to certain children's aid societies: that some were getting much more money than others, that they were undertaking more preventive work than others and that it seemed to depend on who the director was, how aggressive he was or what his connections were. I am not really sure. However, the standards of children's aid societies were in question, especially after the Kim Anne Popen case.

We started to have the operational reviews at that time. We had the continuing problems with Kenora, to which I would like to come back. Ottawa and Toronto seemed to become the favourite targets of the deputy minister and the minister of the day. The premise seemed to be, in my view, that these were Cadillac operations, especially the Metro Toronto operation.

Rather than maintain the level of service that was being provided by the Children's Aid Society of Metropolitan Toronto and allow it to develop and to maintain good prevention programs, the idea was that we should try to bring up, at the expense of the Metro children's aid society, the Catholic Children's Aid Society of Metropolitan Toronto and the Jewish Family and Child Service of Metropolitan Toronto.

The CAS in Metro became the target of very tough political action by the past administration. The board, in response, required of its staff that they not take increases that were even close to the cost of living. I may be wrong; you can check this, but I believe that only once during the past five years have those workers at the Metro CAS received the actual cost of living in their increases.

Instead, what you had was the development, which has really played itself out this year, in which the local board is saying, "We have no choice but to take away program if we are going to be able to pay you guys what you are asking at the bargaining table." Then we have the ministry putting on the squeeze from the other end saying, and rightfully so, that you must not get rid of the program. That then puts the workers in the impossible position they are in at present, where they have actually gone on strike.

That is the last thing those people want to do because they are being told, essentially, that they

must subsidize through their salaries the prevention programs which have made this the model agency that we hope other agencies would aspire towards rather than trying to degrade it down to these other agencies. I am not very familiar with what the Catholic children's aid society has just settled for, but my understanding is that it will achieve more than parity for the workers there in the second year.

I see you shaking your head. Perhaps we can go over the detail of that. My understanding is that it is about 3.6 per cent and then 6 per cent by next year. If that is the case then it would be bringing them pretty close if not above.

I do not know where you are going to go with all this. I know you have bailed out a couple of deficits and that assistance has been provided, but I really do think that we are putting a squeeze on a group that does not warrant the squeeze.

Again, if one looks at the statistics involved at a time when we presumed there would be a lower number of cases in children's aid societies because the economy was getting better, etc., in fact, as I look down at the line item in your estimates book, I notice that the cases are up again. The amount of protection work is still increasing at a time when, supposedly, things should be easier out there in society.

In my view, this is no time to be cutting back or to be forcing them into these decisions, and it is unconscionable that it should happen at a time when there is a huge budget surplus in the given year in terms of social priority by a Liberal "reform government."

I will ask you for, and just give you notice that I would like, an update on the Kenora situation to see whether it is any closer to being a real society again or whether it is still just an arm of the ministry and making what I think is the argument for the real squeeze that all these other agencies now find themselves in.

Kenora is always there as an example of what can happen to you if you do not play ball with the ministry. I am absolutely convinced that the takeover three years ago was motivated by economics and not by fear of the safety of kids. I have still to see any evidence that would show that the kids were in jeopardy at that time and that there was any need for that type of overthrow. I do not know what the status of the board is, but for two years it never really got back to being a functioning board. It was still controlled by the ministry.

It is a wonderful example to hold out to the Ottawa board and to the Metro board, of what can be there for you if you do not play ball. I shall

want to get into more discussion of that with you as we go on.

On adoption: I realize that we are jammed up and behind with legislation here for a number of reasons; some that are legitimate and some that are legitimate but political. I will make that distinction.

6:10 p.m.

I am disappointed that we have not yet seen your response to Garber's report in legislative terms. We have had some discussion on this with you and with other people, and I hope your second reference to it in your statement today is more reflective of what we are going to see than your first. The first, as I recall, refers to the fine line you have to tread between the rights of the adopted child to know and the right to privacy. I am sorry. I just do not see that line any more.

I see the rights of the adopted child as being paramount. I hope that does not mean we will not see an open register, an active register to which people can go, if they choose, to find out about their backgrounds. I believe the adjective you use is "progressive." I hope that indicates you will go far enough to make this an active registry and you are willing to take on the controversy that will surround it. I believe fundamentally that finally we have gone through a mind change in the province around this. The public, in general, accepts the view that I have just put forward, that it is vital to protect the right of the child to get to his roots. If an adoptive parent, or a birth mother feels she has the right to be protected before that, and to be able to stymie that, that must not be seen as acceptable any more in Ontario.

I know you have a lot of room to move because of what the past minister did to us on that legislation. It was frustrating being at home recuperating from a heart attack and seeing him change what little progress we had made in legislation in that field. But do not take the fact that he retrenched and went back so far to give yourself the room to not go as far as you should go now. I urge you to put your staff on one important aspect of social policy in this province. I urge you to show leadership to the rest of the country—which is still way behind other jurisdictions such as the United Kingdom—and move towards an active registry that will allow people to get to their roots.

If you do that and you withstand the storm—and you will have the support of our party if you do it—then you will have gone a long way to making a mark on Ontario. There will be heated debate. You will get that type of emotion we have had to deal with for years—that I just heard erupt

on the other side of the room. In my view, it is vital that we have it out and we have the battle now. If you do not move it, we will bring in amendments. Unfortunately, I would hate to see us alone on that issue because it is too important to people who need to know about themselves.

In the next couple of days, can you give us an update on the Child and Family Services Act or have somebody here who can? You gave some information a while ago about the timetable for royal assent on various portions of it and that kind of thing. I would like to have more of an idea of what is happening with some of the new changes that we brought in as a result of that; some idea of the reactions of people in the court system around our definition of a child in need of protection and what that is doing, or not doing, to the system; and how the RPACs, the residential placement advisory committees are doing in the province at the moment.

Within the context of the Child and Family Services Act, I want to debate a bit with you the question of young offenders. It was referred to by the member for York Centre (Mr. Cousens) but I am still as opposed as I know members of your party were when you were in opposition to the notion that there should be two ministries dealing with an act which was developed federally very clearly for the purposes of having one ministry look after it so all kids would be dealt with in a systematic way.

I want to know a bit about whether there is any chance that we can get the 16- to 18-year-olds out of the hands of the Ministry of Correctional Services and what has to be done to do so. I want to raise with you my concerns about some of the tendencies in corrections around privatization and commercialization. I want to know if I can get it through you—I am not sure if we can. I would rather do that than have to wait for the estimates of the Ministry of Correctional Services to get some idea of the differences in sentencing that are taking place between the kids who are aged under 17 and are in your jurisdiction, and the kids who are dealt with by the Ministry of Correctional Services.

The word I am getting back is that those older kids are getting much more severe sentencing, and the previous tendency to have them sentenced higher on average for the given crime—higher than any other age group that we have, including adults—is still continuing. I would really like to know whether you can get me any information on that. If this is the case, then I think it can make your case, in cabinet and with

the Premier, to finally get this under one ministry and have it in consistent fashion.

On the Social Assistance Review Board, I want to know about a number of its decisions, specifically. I can ask the chairman at that time regarding some of them. However, I also want to know about the average time it is taking now to deal with decisions. It is my information, and I will bring forward more detail, that the issue I raised three years ago still continues to be a problem; that is, the law that governs how they shall report is still being broken systematically; the 41-day period is being broken on a continuing basis.

When you look at the things that it is about, such as interim payments of welfare, our most destitute people, who are being told they are not even eligible for welfare on an interim basis, are waiting longer than the legislated time. It has been many years since that was raised, and I was told it would be dealt with by the board. It is a very serious issue.

I want to raise the reaction of some of the clinics to the spouse-in-the-house issue and the way SARB is dealing with that; to see how doctors' bills to clients for reports provided for SARB are being dealt with; and I would like, if possible, to have the SARB procedural manual provided to me.

I want to know about the training of board members, in detail. I am pleased with some of the new appointments you have brought forward but I want to know whether we are doing anything different to make these people any more equipped to deal with these issues than we have in the past. The people who were there in the past were often not major assets.

I want to raise questions of overpayments; to come back again to the SARB study group's request for its pamphlet to be mailed out; to see how SARB deals with pain and suffering awards compared with other groups; and I want to go through some of the specifics of the annual report, but we can wait until that takes place.

I still think—I hope it is the case and you can perhaps tell me—SARB has to be part of your social assistance review and of their mandate. I presume it is. This is the last appeal for people who are the most disenfranchised in our society. In my view, it has not been up to the task involved for a whole range of reasons. I want to go through them again now and I hope you make sure it is seen as important for the task force to look into.

6:20 p.m.

The other day in the House I raised the question of adult protection workers and the problem I see potentially arising from having them housed in the very agencies they may be wanting to attack or lobby strongly as advocates for the retarded themselves. The notion that they might be housed with an association for the mentally retarded, or that they should be housed in an institution like Oaklands and moved out of Sheridan is in my view a really dangerous direction to go.

Today I heard that the amalgamation in Sault Ste. Marie has been stayed. I would like to hear more about that. Coming back to this notion of a politics of inclusion, having advocates within the system—whether they are adult protection workers or, in my view, something new that we should look at, welfare advocates—is really a crucial part of allowing people to have some sense they are not being left on their own or held down by a bureaucracy. They have people willing to fight that bureaucracy to help get their best interests through. That is why it is vital to have these people autonomous, and to not be seen in any way as circumscribed by the very people with whom they are trying to work.

I want to spend a lot of time on institutional care in the province, and again on the same philosophical question of the role of institutions: how they disenfranchise, how they keep people out of society when they should be keeping them in, and what we have to do to maintain them in society. I will be back on staffing levels and on cattle prods and some of the other techniques we are using within our institutions. I want to spend more time on those as we get to the line items involved.

There is the whole question of deinstitutionalization. It is somewhat ironic to me that the minister is praising the five-year plan at this stage, given the platforms I was on with the present Premier when the five-year plan was being introduced.

There is no doubt that it became better organized and more sensitive as it went along. However, I still question the premises behind it—given the context of the Welch report and the Williston report, and how we got to the point of actually trying to close down the smaller institutions without looking at the overall concept of what we are doing with the big ones in this province. That is still something I find disturbing. I want to go into the ministry's premises on deinstitutionalization and community living.

I want to know the specific changes the minister is making on the special needs agree-

ments, if they are actually taking place. I saw hints of that recently in the budget or throne speech—I cannot remember which.

Hon. Mr. Sweeney: The budget.

Mr. R. F. Johnston: I was recently in Windsor, dealing with the parents of blind kids. I was shocked by a number of things. One was that almost no blind kids at all are being dealt with in the school system down there, with special assistance for their needs, although Bill 82 has supposedly been in full implementation since last year.

Only one of the Essex boards, out of all the city and county boards, had any blind kids. Most blind kids are dealt with at home, or are sent off to the home in Brantford. Only two of them were dealt with by the Essex County Roman Catholic Separate School Board. I wonder how the heck that happens this late on. This is one of the earliest identifiable groups, one of the most accepted at an early stage politically, yet it does not seem to be handled properly.

When I saw what they were relying on for parental relief and assistance for families with those kids—using the special needs agreement, which is designed for the developmentally handicapped, as you know—I was shocked at the lack of assistance involved. I really want to find out in more detail what the changes will mean for people with blind kids who may or may not be developmentally handicapped, and how that is going to be administered there.

I do not know what you think, but it seemed a little strange that people from Cedar Springs should be the ones to determine whether somebody got community living assistance through those needs agreements. They are not people who have any understanding, as far as I can tell, about the special needs of visually impaired kids; not people whose bias was towards community living but people who run that big institution down there. I found that strange. I want to go into much more detail on that with you.

Some of the other items I will continue to deal with—and I am sorry the traditional approach is not met with the shorter form today, but I missed the last two estimates, one because of my heart attack and the other because we gave you a break last year and I have to make up for it—

Mr. Cousens: I am glad you are feeling better.

Mr. R. F. Johnston: There is a lot of pent up frustration here with the system.

Mr. Haggerty: You do not have to unload it all.

Mr. R. F. Johnston: No, I do not, as you know. I reserve some of it for the House.

Mr. Haggerty: The minister will have staff working the next two nights—about 24 hours per day—to answer all those questions.

Mr. R. F. Johnston: That is why I could not understand—what is it you said here?

As I prepared for my appearance here I recalled the estimates proceedings I have been part of in the past. I must say my memory is not an entirely happy one.

Mr. Haggerty: I am just the opposite. I have always loved estimates. I do not know why but I am having a wonderful time.

Mr. R. F. Johnston: I was happy once.

Mr. Cousens: As part of the permanent opposition, I guess you get used to it.

Mr. Haggerty: It must be that. Just seeing the responsiveness of the civil service and the ministry staff has always been so impressive to me—

Mr. R. F. Johnston: I do not see anything in small print in the accord there.

Mr. Haggerty: It is in the second stage.

Mr. Cousens: What time do we go for something else? How long does this portion last?

The Vice-Chairman: When the chairman sees the clock.

Mr. Cousens: I would not want to rush that.

Mr. R. F. Johnston: Let us start off with something I can deal with quickly, such as sheltered workshops. Why do we not deal with that quickly?

I was delighted to see that the Attorney General had agreed to change the provisions in

the Employment Standards Act around discrimination in hiring of the disabled. I wish it had not taken so long to make that happen, but I am pleased it has been announced. It is something I have wanted to see for a long time.

The minister's responsibility, as I gather from the statement that day, is going to be one of developing guidelines or regulations—I am not sure which—around the particular classification of people in workshops, as to whether they are employed or being rehabilitated or whatever the definition will be. Therefore, I would like to have much more information on how the minister is approaching this because knowing some of the sheltered workshops in the province as I do, and the range of approaches taken in them, I have a real fear that depending on how the definitions are arrived at, we will end up with people who should be covered under the Human Rights Code and protected with minimum wage being told they are in training only and are not working at a level, or are not in a program, for which employment applies.

I will want to go into more detail about that with the minister when we get to that line item. If you have any of that material developed, I would appreciate being able to see it in advance.

I have three other areas I want to deal with. There is child care, which will take me a fair length of time; attendant care, which is a shorter item; and then senior citizens' policy, which will take a while. Perhaps it would not be wise to—

The Vice-Chairman: We can hear about those matters on Thursday, June 19, 1986, following routine proceedings.

The committee adjourned at 6:30 p.m.

CONTENTS**Tuesday, June 17, 1986**

Opening statements: Mr. Sweeney	S-349
Mr. Cousens	S-353
Mr. R. F. Johnston	S-359
Adjournment	S-372

SPEAKERS IN THIS ISSUE

Cousens, W. D. (York Centre PC)

Haggerty, R. (Erie L)

Johnston, R. F., Chairman (Scarborough West NDP)

Reville, D., Vice-Chairman (Riverdale NDP)

Witness:**From the Ministry of Community and Social Services:**

Sweeney, Hon. J., Minister of Community and Social Services (Kitchener-Wilmot L)



Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Estimates, Ministry of Community and Social Services

Second Session, 33rd Parliament
Thursday, June 19, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, June 19, 1986

The committee met at 2:53 p.m. in committee room 2.

ESTIMATES, MINISTRY OF COMMUNITY AND SOCIAL SERVICES (continued)

The Vice-Chairman: I see a quorum.

Mr. R. F. Johnston: Before we start, there is the question of the ordering of the committee's business. Maybe we should put it off until we have a break.

The Vice-Chairman: Why not put it off until we have a Tory here?

Mr. R. F. Johnston: Excellent idea. I do not want to go over anything new when Mr. Cousens is not here. Perhaps I will start again, and as soon as he comes in, I will move on to new information. Actually, I would not do that to any of you, although if Frank Drea were here today, I might.

I would like to go back to one matter I just rushed over because I realized I was going to want a lot of information and it would be unfair to ask the minister for that information at the time. It is the kind of thing you are going to need a few days to get. It has to do with young offenders. I indicated to you my major concern is around the question of two ministries being involved and what that does in practical terms to the principles enunciated in the federal legislation.

When I spoke on Tuesday, I was primarily asking you to get information which would reflect a different kind of sentencing. There are other kinds of matters I want to try to draw you out on, if I can during the next few days, in terms of trying to draw some of the distinctions there may or may not be between the two ministries. I hope to arm myself, and maybe you, for a bit of a battle to try to wrest the 16-to-18-year-olds from the Ministry of Correctional Services and put them into the Ministry of Community and Social Services.

I want to know a little bit about the case-load ratios of your probation officers versus those of Correctional Services, if it is possible to get them. It is my understanding that you have developed fairly good ratios of about 35 clients to one worker within your ministry; if I am wrong—this is all second-hand—I would like to

get it directly. If that is the case, I think it is substantially better than what we find under Correctional Services. That raises questions, therefore, about how much it is costing per client on probation in one ministry as compared with the other.

There is also the question of how many beds you have in open detention and secure detention, again in contrast to what Correctional Services is doing. My understanding is that as many as 50 per cent of your beds may be open. I would be interested to know, because my information about Correctional Services is that only about four or five out of 200 are open, which indicates a very different philosophy of care, if that is the case. That is another whole area I think might distinguish between the philosophies of the two ministries and the discrimination there might be against kids, depending on their age, which we not supposed to have under this act. This is something I think came out of discussions with the minister the other day about the fact that you are now down to one institution.

Hon. Mr. Sweeney: We are heading in that direction, but we are not there yet.

Mr. R. F. Johnston: I understand Sprucedale is going and Cecil Facer.

Mr. Barnes: They are both under consideration.

Mr. R. F. Johnston: I have heard they might be transferred to Correctional Services. I would like to have some understanding if that is the case. I would also like to know what the numbers are in Sprucedale at the moment compared to its capacity. I am hearing a figure about 50 at the moment, and as I recall from past estimates, the design capacity was around 90 in Sprucedale. Again, I would not mind having that confirmed at this time as I am a little rusty on some of those figures. I would like to know what Correctional Services has planned for those institutions.

Unlike your ministry, they seem to have a tendency to like bigger institutions. I wonder if there is any truth to the rumour I hear that they are proposing two 60-bed pods to be part of the Sprucedale operation, in addition to what it is already designed for. If the rumours I hear are true, that indicates a real problem, around jurisdiction and around discrimination, in the

style of service young people in Ontario can expect, depending on whether they happen to be lucky enough to be under your ministry's programming or whether they are caught under Correctional Services.

3 p.m.

One of the things I also want some idea about philosophically—we really have not had this discussion at all, and Drea certainly never would talk about it at the time—is what you would do if you had total jurisdiction. What philosophical approach would you take? Would you differentiate within your own ministry in the way that seems to be happening between the two ministries at this time? It seems to me your ministry accepts the philosophy of the least intrusive methodology inherent within that federal legislation. I do not think that is necessarily what Correctional Services is doing.

Would we see the same kind of approach to the older juveniles if you had total control, or would you move into the same kind of capital-cost, secure custody approach that ministry seems to lean more to than you do? Do you have any figures on the per diem costs or unit costs for secure custody? I want to see some sort of comparison. Would there be a difference in cost—I guess that is the bottom line—if you had total control of the Young Offenders Act, or would it be the same?

One of the arguments I made in the past is that it would be different, that you would run it differently, that it would be cheaper, less intrusive and more coherent and, therefore, it would be a useful thing. I am trying to get some of that information so I know whether I can push the Premier (Mr. Peterson) to see if he will have any more courage on this issue than did Premier Davis when it comes to the territorial battles between ministries.

I do not know if this is true—it relates a little bit to the sentencing I was talking about before—but I hear there is a fairly wide range of dispositions among judges these days. Distinctions are being made between judges who are used to an adult system and those who are used to the children's system. There are concepts, such as intermittent custody, which seem to be used more by the judges who have had experience with the adult courts than those who have been involved with our children's courts in the past. There are other distinctions being made around bail and fine options.

I want to know about that, but I did not say so before when I talked about length of sentencing the other day. Do you have any information at

all—because we are so different as a province in the way we are handling this—to compare and contrast what we are doing here in Ontario with what other provinces are doing where one ministry is in charge?

Mr. Barnes: We are getting some of this, but it is very preliminary right now.

Hon. Mr. Sweeney: We are trying to get that, but it is—

Mr. R. F. Johnston: Is it hard to get hold of?

Mr. Barnes: We have some gross statistics from which we are cautious about drawing too many conclusions, because it is a bit of a roller-coaster at the moment everywhere. We can provide some of those.

Mr. R. F. Johnston: It would be interesting to see what is going on.

Something else is happening that I do not know a great deal about and I would be interested to hear about. Is it possible that we are seeing a difference in the application of the Young Offenders Act and the notion of looking after youth by themselves in the way we are dealing with males and females in the system? I have heard some discussion that there may be a greater likelihood of integration for females. If that is the case, I want to know about that too.

I am sorry. I feel because those are fairly detailed kinds of questions they are the wrong kind of thing to throw at you or your ministry staff when we get to line items. I would appreciate being able to go back to them. That is the list of things I am interested in.

Mr. Barnes: I am not sure how far down the road we can go with some of that, but we will share with you what we have.

Mr. R. F. Johnston: Thank you. There are a couple of other things I want to run through before we go to line-by-line. The first is child care, and I echo some of the things that were said by the Conservative critic. I am very pleased to see the turnaround in the Conservative Party's policy on child care from what they had when they were in power. That was recently enunciated before the federal task force and a couple of times in the House up to this point.

I find it difficult to believe we still do not have some document to go by which indicates your policy other than what we see reiterated in your statement, which is really another short restatement of what was in the accord, saying there will be a move away from welfare-based child care to child care that is seen as a matter of right.

I have heard rumours that we might hear something in June at the Association of Muni-

palities of Ontario conference social services group when you speak there. I gather things are still not ready and still not prepared on this. Like the member from Markham, my sense is that you are having trouble with this in some conceptual way in cabinet, and that is disappointing to know.

I will leave much of what I want to say on that until we get to the line-by-line, but could we get somebody to fill us in a little bit on the indirect subsidy question? How long is that going to go on and at what stage do you see your discussions with the feds on that whole question? I want more details on the \$6 million and where that is likely to go. Is there any chance at all of encouraging more capital funding, especially encouraging a move away from commercial child care into nonprofits?

When I made my presentation to the federal task force, I was not exactly kind with them. I see that federal task force as a means of delay rather than a means of implementing some of the good recommendations in the work done by Dr. Katie Cooke. I was given to understand that Conservative members of that parliamentary committee were actually phoning ahead to insurance companies and other business leaders to ask them to come and comment on the difficulties of providing child care, while major groups who are already providers in the system were being denied access to the hearings, and I became even more suspicious about it.

In doing that review of it, I realized that it goes as far back as 1970 or 1971 when the Royal Commission on the Status of Women in Canada put forward a recommendation that said that new federal-provincial financial agreements should be made immediately for the provision of child care to get it out of welfare and on to another less stigmatized basis. That is 16 years ago, and we are still not anywhere there. I wonder if I can push you a little bit to see where we are on Canada assistance plan funding and when we are likely to see your proposal for phasing in the change in child care.

3:10 p.m.

In regard to senior citizens, I want to know a bit more in philosophical terms about where you stand on such things as continuums of care; how much of a bias is there still within the system to institutional care for people at some stage in their lives, rather than to maintaining people in their homes. Two things strike me philosophically about the things that have been announced by the Minister without Portfolio responsible for senior

citizens' affairs (Mr. Van Horne), you and the Minister of Health (Mr. Elston) recently.

One, there does not seem to be the co-ordination I would expect there to be and no one ministry yet seems to have control over what is going on in the field of senior citizens' affairs. Two, the increases that are there for community living are still very small and still seem to imply that many people will have to be institutionalized because of their age and frailty, rather than being able to maintain themselves in their homes because of the expense. That is the only way I can interpret what you have announced so far.

We are still getting hung up on such things as the number of hours we can provide nursing care in the home and the number of hours we can provide other social assistance through home-makers in the home before we decide it is better to institutionalize somebody rather than looking at a total commitment to maintaining people in their homes.

I am going to want to have some understanding from you of whether there is a commitment to moving away from the nursing home bias we have seen in this province and towards saying people should have the right to live their lives and, if necessary, to die in their homes rather than in institutions in this province.

I was looking at the figures for homes for the aged a little earlier. I do not know what the latest total is on the most recent announcements on home support services, but when I look on page 52 of the estimates book at the huge amount in operating costs that still goes into homes for the aged and rest homes, compared with what we are putting into community support programs, it seems to me we are still not addressing the question of comprehensive home care alternatives at this time.

I do not know whether that is because you know something about the costs that we are not hearing about; that this is going to be some huge cost to us that is going to be as expensive as institutional care. From my experience in the field, my guess is that it is; that to provide good community care to those people who are frailer is going to be almost as expensive as keeping them in institutions, but I still prefer that option because of its humanity.

I am quite concerned that while we talk a good fight about moving towards the community care alternative, the bias in the line items of these estimates is still very strongly in favour of institutions, even our traditional homes for the aged and charitable homes as compared with nursing homes.

On nursing homes in the province, we are now spending about \$250 million a year in operational costs as well; so we are talking about \$450 million in all going into institutional care, compared with the pittance, if I can put it that way, we are putting into the community alternatives.

We will get into a discussion of the six pilot project communities and whichever ones you are identifying as those on which we should be moving further. I want to question you about where we are going in our priorities. Are we still going to maintain for senior citizens an institutional bias that I would hope we would find unacceptable for any other group?

When we talk about institutional care, I hope to be trying to pull all this together to see whether you do have a coherent policy on deinstitutionalization of all groups rather than leaving some with an institutional base, and even a preponderance in this case, while we try, for instance, to move the developmentally handicapped into the community.

I want to know why there have not been more tax changes to assist senior citizens in the past and what you are planning to do on that. Look at the property tax grant and what has happened on that. We have not had a change in that since it was introduced and we moved away from the tax credit. As a result, it is worth much less now than it was when first introduced.

With property taxes rising in most places for all the various reasons one can look at, including an unnecessary burden resulting from provincial abdication of responsibility in certain areas, senior citizens are not getting the benefit from that that they would normally get. I want to know why there has not been a change in that and whether in the next year or so we may see changes in the tax system for the elderly.

I would like to know what your plans are around attendant care, in this case not for the elderly but in terms of where we are going in that area. When we get to that line item, I will bring up some cases of some of the real needs that are out there and how, without reliance on orders in council, we are still missing a lot of people who need some assistance.

I had a case the other day, which came through my riding office and which I will raise; it points up a major social policy failure. A 93-year-old woman, living in her own home but obviously having trouble maintaining it at this stage, needed a 24-hour attendant, not with any particular medical expertise but to keep an eye on her because she is very frail. They were having

trouble finding anybody who had the qualifications to do it.

I compare that with the British system, where for years they have been training people to do attendant care. It is a profession of some repute there now and a logical way of maintaining somebody in his own home. We have never moved in that direction in terms of courses at the community college level or by encouraging it in our social planning funding system as part of continuing care that says a person can stay there rather than being removed and put into a nursing home. That is what the family was calling me for: "What do we do? Can you recommend a nursing home?"

Frankly, these days I do not want to recommend any nursing homes when they call my office. Until we have the kind of legislation that actually controls those institutions, I am not anxious to make referrals. I want to raise where we are going in that whole area. We are doing a little stuff on granny flats, but we are not doing much in terms of the notion of attendant care as a caring component within the whole social services structure.

I also want to know what is happening around children's mental health at the moment. Specifically, I want to know whether you have as yet made any response to the Metro Children's Advisory Group's report Rights of Passage, which came out in March 1986. On page ix of the document summary, the report lists six major recommendations that Ontario should be involved with. They range from housing options to financial support, and basically concern catching a lot of kids who are getting caught in the transition from 16 years of age to 18 years of age and who are not being served well by either the adult mental health system or the juvenile mental health system in Ontario.

I want to know a little more about the children's mental health centres and how things are operating. We can deal with that under the Child and Family Services Act, if you want. I want to know what is happening with children in the youth institutions, which still seem to be being eroded slowly and replaced in the system.

I want to raise the whole question of support systems for families of the mentally retarded and others in the community. I will do a little bit under the special needs agreement, because obviously it fits there, but it also brings in parent relief and the extended family. I want to know where you are in terms of your policy on that and where that is going. Is it staying as ad hoc as it is and has been for the past number of years, or are

we going to get some coherent policy around those things?

Finally, before we move to line-by-line consideration, or to your responses if you choose, I want to know a little bit about what is happening with homes for special care, triministry followup and who is getting programs—all those basic statistics we ask for on an annual basis around estimates time—to see whether the situation is any better around the province, and within that context to ask you questions about jurisdiction between yourselves and the Ministry of Health in terms of who finally is going to take charge of homes for special care and make sure there is appropriate programming in those institutions for the clients who are there.

Since I have scared away everybody but you, Mr. Chairman, and the minister, I think we should go line by line. We should have it wrapped up by 3:30 p.m.

The Vice-Chairman: I beg the committee's indulgence for a minute while I have a word with Mr. Johnston.

The committee recessed at 3:20 p.m.

3:21 p.m.

Mr. R. F. Johnston: There seems to be some difficulties around closure motions upstairs, and there is a request for our attendance, but I think we can proceed.

Mr. Cousens: I apologize. That is why I was late too.

Hon. Mr. Sweeney: Okay. Can we go ahead?

The Vice-Chairman: Yes. Minister, would you like to make any response to either of the critics or both?

Hon. Mr. Sweeney: I would like to deal with them in three ways.

First, I want to make some general comments in response to the two opening statements.

Second, a number of very specific questions were raised that I would like to deal with when we come to the particular line items. I will either make reference to those, or if I have missed something that is why.

Third, I recognize a number of the things that were said were, in a sense, part of the invitation I issued when I made my comments that you should make some positive suggestions. I am accepting them as such, and from time to time I may refer to them as well. In other words, it is not a case of whether I agree or disagree; I am accepting them as the constructive suggestions they are. It is sort of in that ball park that I will put them.

Let me begin with the comments of the member for York Centre (Mr. Cousens). There is some obvious overlapping of his comments and those of the third party's critic, and as we go through the two sets of comments, I will try to draw reference to where there is some overlapping.

Mr. Cousens began by complimenting the staff of the ministry. I want to thank him for doing that. I certainly agree very much with his observation that the strength of this ministry is not the minister or the government of the day; it is the staff that has been there through different governments and different ministers and has provided the kind of caring and sensitivity he described.

I have had only a year to work with this staff, but it is just so obvious that what Mr. Cousens says is true. If there was anything that struck me in that first year, especially in the first few months, it was the absolute professionalism of the staff of this ministry in terms of their competency and the way in which they meet the needs of the clients we all serve. It became very clear to me that the needs of the people of this province are their first and foremost concern; it is not the government of the day or the minister of the moment. Having gone through four ministers in something like four months, perhaps it is more understandable that they would have to deal that way.

You have met my deputy, Peter Barnes, but I want to take the opportunity to introduce to you four of my assistant deputy ministers who are here as well. Three of them are new fairly recently, and you may not have had a chance to meet in that capacity. So that as they come up from time to time you will be able to put a face with a name, let me introduce them. All of these are in the front of the booklet.

In the far back row is Bruce Alexander, the newest one to our ministry, who is basically responsible for the operations. Michele Noble, in the front row, is responsible for family service and income maintenance. Gerry Duda is responsible for community services. John Burkus, in the back row, is not new to the assistant deputy ranks but has assumed new responsibilities.

In the description at the front of the booklet, you will also notice there are six unfilled directors' positions. I believe something like 36 people were interviewed for those, and we expect to announce the names of the successful candidates fairly soon.

That may seem like somewhat of an increase, but I draw to your attention that even after this

reorganization, this ministry will still have the absolutely lowest ratio of executive staff to total ministry staff of any ministry of government. We were lowest before, and we continue to be so; therefore, it is no great enlargement of the executive ranks of this ministry. One of the things we have attempted to do is to create a sense of greater accountability for various program responsibilities, and we believe we have done that.

You will have an opportunity to see these people in a more direct way as we go through the various items line by line.

Mr. Cousens's second general point was with respect to social assistance. He started out with three basic comments: the need for greater public awareness, removing the stigma and reversing the cycle of dependency.

Let me say to Mr. Cousens that I take it as part of my responsibility, as I go around this province speaking to various groups of people, to do exactly that: to create a much greater sense in the public of exactly who we are serving, why they are being served and the degree to which we are assisting these people to get off the cycle of dependency.

The point that both my staff and I make as we make public statements is that the whole thrust of giving people a hand up rather than a handout is very much our goal. Even more important, it is very much the goal of the people whom we are serving. Every program that has been put into place to provide an opportunity for people to become more autonomous and more independent in terms of providing either part or all of their own needs has been oversubscribed.

We have never had to make one of these programs compulsory; quite frankly, I doubt we ever will. We simply provide the offer, whether it is the work incentive program, which was referred to, or the employment support initiatives; whatever they are, they are oversubscribed by those clients. Oversubscribed simply means there are more people applying than we are able to look after immediately. We eventually assist all of them over time, but we cannot do it as quickly as even they want us to do.

There is no disagreement between us that we need to make the public more aware of who are clients are, that we need to remove the stigma and that we do need to reverse the cycle of dependency.

For Mr. Cousens's benefit, I would add that we go a step further with respect to the children of our clients. As he may be aware, there is a sense that the welfare cycle goes on from generation to

generation; at least that has been a previous sense. In addition to helping their parents along the lines I just described, one of the other things we do is provide employment for the children of our income support recipients: summer jobs, after-school jobs and those kinds of things. We are finding that goes a long way to creating in the minds of these children the concept that they have some responsibility for themselves and for their families as well as any other support programs.

3:30 p.m.

Mr. Cousens asked for further details of the review. A similar question was asked by Mr. Johnston. I cannot give you very many details at the present time. I can tell you that the chairman of the review committee has now been defined. We are waiting only for his immediate employer—and that obviously gives some indication; it is a he rather than a she—to confirm the time off that will be required. I can tell you only that it is someone whom I think you will all respect as much as we do.

Second, the members of the committee, who now, I think, are 12 in total, have all been defined from our perspective and they cover the broad spectrum that you would expect us to cover. Once again, we are simply finalizing with them, and in some cases with their employers, the extent to which they can accept the offer and get the necessary time off to do the job we want done.

Along that line let me make the observation that time is moving along. We have asked that this entire review be completed within eight or nine months. That means we would expect to have our first report some time next February or March. All the people who are part of the process are very aware of the need to move quickly on this.

Mr. Cousens made reference to a question he had put on the Orders and Notices paper quite some time ago. I have to do two things. I will first of all apologize, Mr. Cousens, that you do not have the answer. The ministry put the answer into the machinery on May 16. We were just as unhappy as you were to discover on Tuesday that you had not yet received it. We went after it with some aggressiveness, if I may put it that way, and I understand that you will get it either today or tomorrow. I do not know whether you have it yet or not. It got caught in the machinery. It certainly was not a failure on our part to move it towards you. Having been advised of that kind of delay, we will be more vigilant ourselves. Once we send

it forward, we will track it to be sure it keeps moving and does not get stalled someplace.

Mr. Cousens made reference to the poverty lines and to the fact that a large number of people in our province are below them. Let me share with you for a minute the difficulty we have with the defined poverty lines. As you know, these come primarily from Statistics Canada, although the Metro and other social planning councils have their own poverty lines. Therefore, whether it is a poverty line or not depends to a large extent on what you include. At the present time, as a general rule of thumb—and I realize these vary from program to program—the poverty lines are described as levels of income at which a person would direct approximately 60 per cent of his total income to what we call basic necessities and would have left over approximately 40 per cent for discretionary spending.

I can share with you only that we are not aware of any jurisdiction that has an income support or an income assistance program which can afford—I guess that is the simplest way of putting it—40 per cent of that income as discretionary spending. I am not quarrelling with the fact that this may be a very laudable goal, but we are not now meeting that goal and I quite frankly cannot see that we are going to meet it in the very near future. For whatever it means, we did a survey and we are not aware of any other jurisdiction that meets it, or even comes reasonably close to it. We try to keep on top of where other jurisdictions are.

That brings me to the next point you made with respect to our national ranking. You indicated that on some case types we were well near the bottom of the ranking and that in one we were ninth. That was correct, and if the sources you are using predate January of this year then your sources are correct. However, as of January of this year, when we added \$81 million to our program, those rankings changed rather substantially. In fact, right now we are second, third or fourth in the country in every case type. That is the situation at this moment. If you have information to the contrary, I would be pleased to receive it.

The one in which we were ninth was that of a two-parent family on general welfare. In January we added \$50 to this group of recipients, and that moved them from ninth to fourth. That is the only one on which we are fourth. In all the others we are either second or third, so there has been a significant movement there.

You are also probably aware that the Treasurer (Mr. Nixon) has allocated to my ministry an

additional \$25 million as of September 1, 1986, which will be allocated for rental subsidy. That will move us considerably higher once it comes into effect.

I simply point out that your sources are correct up to January, but if they did not include the January figures—and that is entirely possible—then they are no longer correct.

We got a notice from the Social Planning Council of Metro Toronto last September which indicated that our announced increases would have brought us up slightly ahead of inflation over the last 10 years. The information we had been given earlier was that, from 1975 on, Ontario had fallen behind inflation. Our increases—combined, I believe, with the increases of the years immediately preceding—put us ahead of the inflation rate over that 10-year period. We are now ahead of it and we certainly intend to keep ahead of it. I am not saying that just being ahead of inflation is a laudable goal, but it is one we had to achieve before we could move on.

Mr. Cousens referred specifically to child poverty, as did Mr. Johnston. I will draw to your attention that it was in recognition of this that we specifically put into our latest increases initiatives that deal specifically with children. You are well aware of the \$80 initiative for children's clothing. You are also aware, I am sure, of the additional four per cent for children's allowance, which was above and beyond the four per cent that everybody got, and the additional initiative for handicapped children. I believe it was another \$25, if my memory serves me correctly.

That was deliberate. When the Treasurer came to us and said, "I have so much money for income support increases. How do you want it distributed?" we indicated that we had two priorities. One was special allowances for children, and the second was rental subsidies. Specialized dollars were put in just for those initiatives. Thus, we recognize them and we will continue to recognize them.

Mr. Cousens went on to point out that he was in agreement with the employment support initiatives and the work incentive program, which we have already briefly touched on. I want to share with Mr. Cousens that 21 municipalities have joined us in jointly sponsoring the employment support initiatives.

These were initially intended for those municipalities that are going to be part of the integration process, but we had enough interest from a number of other municipalities that they have

now been spread to any municipality that is prepared to assist us with it.

We concur with you: this is an important step forward. It is one of those programs I mentioned earlier that has been oversubscribed in every single municipality in which it has been initiated. We are getting some very good feedback, not only from the clients but also from the municipalities themselves with respect to the effectiveness of this program.

3:40 p.m.

Let me move on. Mr. Cousens made reference to the needs of the handicapped. He started out by referring to vocational rehabilitation and to our recent changes in the Ontario student assistance program. I have met with the various advocacy groups representing the disabled concerning this particular proposal. In August or September 1985 I had a long meeting with them and I quite simply asked them to tell me what their concerns were with this proposal. I made it very clear to them that all of the assistance would continue to come through vocational rehabilitation—in no sense were we cutting anybody off—and that OSAP would cover only those financial needs that any other student would have—in other words, tuition, books, transportation and basically the same kinds of things that any student would have. It was not intended to cover the range of needs that a person would have because of his or her disability. If they had special living needs, special transportation needs, special equipment needs or special counselling needs, anything that was specific to the disability would continue to be met through vocational rehabilitation services and OSAP would in no way be a substitute for that.

The second thing we clearly advised them of was that once they had indicated to us where they thought the obstacles or hindrances would be, we would negotiate an elimination of those obstacles with the OSAP staff, and we have done that. For example, OSAP has said it will not require summer earnings to be included, as it does with all other students, and that it will not require a work experience time in order for a disabled person to become independent by definition. He will simply have to put in the three years' time, but he will not have to have the one year of work experience.

There was one other. Their concern was that the disabled person would have to go both to a vocational rehabilitation office and to a university office and that in some cases, because of the difficulty of access to the facility, they might be denied that. We have therefore worked out an

arrangement with OSAP whereby all the forms will be in the VRS office rather than at the university, and our VRS counsellors will work with the disabled person to be sure he properly completes the form.

You referred to our VRS staffing and our work loads. Let me say very candidly that this is an ongoing problem in every part of the province. We have work load problems. We have waiting times averaging about 14 to 16 weeks. Some are lower and some are higher, but that is a pretty good average across the province. We have one municipality in which it is higher than that, and we are making changes to move people in to add staff in that area. I will not in any way deny the fact that this is a difficulty. It is.

The one thing we attempt to do in every single office, however, is to have someone seen within two or three weeks—I think the longest is four weeks; the average is two or three—to do the initial assessment, to be sure that if for any reason somebody else can meet that person's needs, he is immediately redirected. We do not want people to sit on our waiting list for four or five months and then find out that we are not the proper people for him or her to deal with. Therefore, we see them for that initial assessment very quickly—on average, within two or three weeks—and we try to be sure they are steered in the right direction.

Part of the waiting list is caused by the fact that one may be waiting not for our VRS worker but rather to get into a program someplace else. In some cases it could be a community college program; in other cases it could be a university program; in still others it could be a workshop program. Some of those are a little bit beyond our control, but there is no doubt that we do have a work load problem and we have a waiting list problem.

You made reference to attendant care. Let me share with you that there is an increasing number every single year. This year we will be up to approximately 672 on the basis of our original budget request. However, in addition to that, the Treasurer has allocated another \$2 million. We expect that we are going to be able to add in excess of 100 more to that staff. In other words, in addition to the increase of about 77 that we thought we were going to have, it now looks as though we will have at least another 100 on top of that and maybe even more.

Attendants work in two ways. First, we have the group apartment independent living projects, and the attendants are part of that project; they are right in the apartments with our disabled clients.

In addition to that, they are part of an outreach program whereby they go into the homes of disabled people.

All the feedback we have received from both of those projects is that they are working quite well, to the extent that requests for orders in council for specialized attendant care have dropped off rather dramatically. This is not to suggest that there are not continuing needs out there; there are, but it is obvious that we are beginning to meet the need with this program.

As a result of the additional \$2 million dollars, we are also going to be able to move into two types of service that we have never been able to offer before, and they are for quadriplegics and for those who are brain-injured. At the present time, there are very few opportunities for people like this. These are people who are injured, for the most part in diving accidents, motorcycle accidents or anything of that nature. With this additional money we are going to begin to provide a service to these kinds of people that we were not providing before.

Mr. Cousens: How soon will you be doing that? Is it imminent?

Hon. Mr. Sweeney: It is imminent, yes. As I am sure you know, we work through community agencies for our attendant care program, and where we happen to know that those clients exist we have asked those community agencies whether they would please put together a package proposal for us.

These people are, to a large extent, in chronic care hospitals or in nursing homes right now—not very suitable accommodation in most cases. We want to get them back out to the community. In some cases it is in an apartment project; in some cases it is back in their own home, either with their spouse or with their parents, depending on their age. We are simply saying that we are now prepared to provide the supportive services to enable this to happen. Previously, we just did not have the resources.

It is starting already. The program proposal requests are out there and they are coming back. If something is already ongoing I will get it for you when we hit that line, but that is where it is at the present time.

The adult protective service worker autonomy question was brought up by both of my critics. Let me share two facts with you. First, we agree with you that these people should work from generic services rather than from specific services that are directly associated with the client group itself. There is no disagreement among us there.

We have two particular cases in which it would appear that there may be a break from this tradition. The first is already in place, and that is in Mississauga. It results from the fact that the Sheridan College of Applied Arts and Technology, which previously was responsible for an attendant care program, had advised us approximately a year ago it no longer wanted to be responsible for that program. It said, "Please find another agency to be responsible for it."

My area office staff searched around the Mississauga area to try to find another agency, and we were not able to come up with a generic one. Oaklands Regional Centre, which is a schedule 2 facility—which means it is operated by an independent community board of directors and not by the ministry but does have developmentally handicapped clients—offered to take it on for one year as part a transition program. It said, "If you do not have anyone else, we will assume responsibility for it."

At the present time, that is being operated not out of Oaklands itself but out of a storefront semi-independent operation. It is not physically part of the Oaklands operation but rather is a storefront in the downtown core, if I am not mistaken.

Mr. R. F. Johnston: Is it responsible to Oaklands?

Hon. Mr. Sweeney: Oh, yes; it is responsible to Oaklands. The feedback we have at the present time is that in this particular case the workers themselves are not dissatisfied with that arrangement. I do not know how long that will continue. I can tell you, though, that initially it was intended to be short term until another generic provider was willing to take it on.

3:50 p.m.

All I can say is that it will continue in that fashion until either the generic provider comes along or the workers tell us they are running into serious problems of conflict of interest. If they tell us that—as of now they have not yet told us, and we have asked them to do so—then we would make an immediate change.

The other is in the Sault Ste. Marie area, where I believe nine agencies providing services to the developmentally handicapped currently are in the process of examining whether they should come together as a single agency. I gather the impetus for that has been the lack of coordination and co-operation among them up to this time and the service gaps they felt they could not meet individually. Their sense is that they can provide better service to developmentally handi-

capped people in that area both from a co-ordination and from a gap-filling point of view.

Part of the proposal, and I want to underline that it is only at the proposal stage, is that the adult protective service workers program in that area will become part of this umbrella as opposed to being out with a generic agency. My understanding is that if all of them come under an umbrella, it will make more sense to have APSW under that umbrella as well. That has not yet been decided. We have indicated the concerns that have been expressed to the steering group that is looking at putting this together. At this time, I am waiting for it to get back to me and my staff as to how it will deal with that complaint.

To the best of my knowledge, there is no other place in the province where there is the kind of conflict of interest that is envisioned in these two situations. We have no intention whatsoever of going out and creating any of these. We have heard clearly the concerns of the APS workers themselves. We have heard clearly the concerns of my two critics. The Ontario Association for the Mentally Retarded has made its concerns known. It would be foolish of us to go out and deliberately alienate all these groups for no reason whatsoever. It would not make any sense. We have no plans to do it. I wanted to share with you where we are now with these two situations. As I say, unless you have other information, they are the only two that have a problem at the moment.

Mr. Cousens referred to his concerns with respect to family violence and child abuse and the whole question of response and prevention. I will not go into all the details. Mr. Johnston raised some as well. We will go into them in more detail on the line budget.

We have an Ontario Centre for the Prevention of Child Abuse. It will be officially opening its new building in the next couple of weeks, if I am not mistaken, and you are both invited to share in that opening. One of the things we are doing is re-examining the whole role of that centre. One of the decisions that now has been made is that they will concentrate more on training and research as far as prevention is concerned. We are going to pull back the child abuse registry from their responsibility. That is going to come more directly under ministry staff. It is already under ministry staff, but it was also associated with the centre and our perception is that this is not the most desirable way to deal with it. We are pulling it back.

From our perspective, we are going to have to re-examine the way in which the registry has

been operating: who gets information, how they get it, when they get it and how information is put on it. That whole question is well in need of a review. In the process of pulling it back, we are going to do that review at the same time. There are some things happening now that have to be questioned.

I point out that the centre has carried out a very significant number of training sessions over the past year or so. Representatives from many of the 51 children's aid societies across the province have come for training sessions. As a general rule, the impression we get is that it is operating reasonably well. We want it to take on a higher profile with respect to research and training; we feel that is the role it should have.

You will be aware that the last move we made with respect to the children's aid societies themselves was to allocate 42 additional workers to the 51 societies so that they would have at least one full-time person on staff.

Mr. R. F. Johnston: There are about 42 of them.

Hon. Mr. Sweeney: Yes; at least one full-time person on staff. Keep in mind that some of them already had more than one person on staff. I believe we now are in a situation, and one of our staff can confirm it later, where they will all have at least that to deal with the question, rather than have someone do it on a part-time basis.

With respect to family violence, we are operating on two or three fronts. Mr. Johnston spoke about this. The transition houses have indicated for the past couple of years that they are concerned about their funding base, concerned about being perceived to be part of the welfare system and the hostel funding system and concerned about the lack of assistance for dealing with children. We have partially responded to their funding-base problem by providing an additional \$3,000 as a counselling fund for each bed in the transition houses. This is regardless of whether the bed is occupied; in other words, it is not tied to the per diem. This gives them a solid core of funding that they can depend on.

To step back a bit, the Attorney General (Mr. Scott) and I have forwarded to our cabinet colleagues an 11-point proposal for dealing with family violence from the point of view of several ministries, the Ministry of Correctional Services, the Ministry of Health, the Ministry of Community and Social Services and the Ministry of the Attorney General, in terms of our various responsibilities with this issue. One is to take a look at this solidified funding base. The general

direction we are looking at is whether we can guarantee that a certain number of beds in every hostel will be funded, so that from time to time when their occupancy rate is low they will at least be sure that a limited number will be covered. That is one of the proposals in that overall paper at present.

Mr. R. F. Johnston: Does it apply with family resource centres?

Hon. Mr. Sweeney: Yes. As far as I am concerned, family resource centres come under the same general need as transition and interval houses. I will speak about them in a minute.

The other one we are looking at very closely is probably the one that we will move on most quickly. It is some funding for child care workers in the interval and transition houses themselves. The initial premise was that the needs of those children could be met through existing agencies already in the community. That would be either children's aid societies or children's mental health centres or whatever else happened to be available in a community or fairly close by.

We now have accepted the premise that the need to assist these children is immediate. They cannot get on a waiting list for any of the other community agencies. Over the long run, those other agencies will become involved, but we accept the premise that they need some immediate help and we plan to move on that as quickly as we possibly can. You will recall that the Treasurer allocated some additional money in his budget for family violence and this is one of the ways in which we intend to apply it, as quickly and in as far-reaching a way as possible. As a general rule, we have accepted the need to move in that direction.

4 p.m.

Mr. Johnston made reference to family resource centres. I heard clearly his indication that he was not completely happy with that approach. The decision has been made that in northern Ontario in particular—to the best of my knowledge that is where they are concentrated at present—with the population as scattered as it is and with the range of services needed, it simply was not economically feasible to provide separate services for the range that was required and therefore the family resource centre model was accepted.

I have since been at the opening of two that were well under way before we formed the government. In those two and the number that are under construction at present—the total calls for at least 14 over the next year or so—they seem to be meeting the need in that part of the province. The

needs of women and children, in addition to those who are assaulted, are being met. I hear what Mr. Johnston says, but I think it is a more appropriate way to deal with the need in that area of the province.

Let me move on to mental health and the Chedoke-McMaster report. I am not quite sure what Mr. Cousens had in mind, and he can elaborate on it, but I suspect it was the sense from the Chedoke report that there was a wide, unmet need and that we had better get cracking. What you may not have been aware of is the purpose of the Chedoke report.

It was requested specifically to identify the kinds of needs out there and the range of community services that might be put into play to meet those needs. It was not an independent report that was designed to be critical of the lack of government action. That was not its function. Rather, it was a requested report saying: "We are hearing all kinds of messages as to the kinds of needs, but they have not been specifically identified. Can you give us a range of those needs and specify what they are?" The second question was: "Can you tell us the appropriate agency to respond to that? Is it the family of the child? Is it the local children's aid society? Is it the local school board? Is it the local hospital? Is it the family doctor? What is the most appropriate response?"

Therefore, when you read that report you have to understand that not only does it identify the range of needs, but it also identifies a range of responses and those responses are not all under the jurisdiction of our ministry. That was the purpose of the report and it has to be considered in that vein.

Mr. Cousens moved on to child care. His first concern was with respect to the distribution of spaces across the province. There is no doubt whatsoever that there are communities in this province that have a good supply of spaces. I am talking of communities such as Toronto, Ottawa and my own community of Kitchener-Waterloo compared to other areas of the province; in other words, relatively speaking. I am not trying to suggest that all the spaces that are needed are there, but relatively speaking those communities are reasonably well placed.

The difficulty we have is that there are other areas of the province where there are no subsidized spaces at all. In some cases, there are no facilities at all, not even a day care centre. The only thing that is available in some municipalities is the informal system.

I point out to Mr. Cousens that part of the responsibility for this is that at present it is discretionary for municipalities as to whether they take up the subsidized spaces that are offered. They are offered to every municipality in the province. We have places, and I have described some of them such as Toronto and Ottawa, that will take every single subsidized space we offer and say it is not enough. We recently allocated 2,500 new spaces to the Metro area. It took them gladly and said, "If you have another 2,500, we will take them as well."

A number have been allocated to Ottawa—I do not know the exact number—but it is in that ball park. It also will take every space we offer it. To a large extent, my own community will take every space offered. On the other hand, there are those we literally have to beg to take them. They will not because they are not prepared to pay their 20 per cent of the cost.

As a result, the whole cost-sharing arrangement we currently have with the municipalities is a very important part of the review that is under way. I do not know how it is going to end up, but I do appreciate that we are obviously going to have to come up with a different arrangement. Some people suggest it should be mandatory as children's aid services are mandatory and homes for the aged are mandatory. I do not know whether we will go that route. Obviously, if we do, we will have to build in some incentives for municipalities that tell us they cannot afford it; perhaps they cannot, so that whole structure of cost sharing is being built into the child-care review at the present time.

Coming back to the original observation that there is no equitable distribution of spaces, the member is right, there is not. Some are much better treated than others.

The member then moved on to the question between needs test and income test. If I can pick up where I left off with respect to the question raised in the Legislature, we want to move to income testing for two reasons. The first reason is that it is less intrusive than a needs test. The only question you have to ask people is their total income.

That is basically all that is asked, whereas, under a needs test, you not only have to ask the source of income but also the source of spending, and assets must be taken into consideration.

So what could happen is the unusual situation of a single mother who has been deserted by her husband, he has left her a home, it may be paid for or not, that is really immaterial, but that is an asset that is assessed against her resources and

she would not qualify under a needs test. Under an income test she would qualify.

The difficulty we have at the present time, which I shared with the member before, is under the present cost sharing between ourselves and the federal government, which is a 50-50 cost sharing, we are not allowed to use the income test when we use the commercial space for subsidy purposes; we cannot.

He is right that other provinces use the income test but they lose that money. Alberta, for example, uses the income test exclusively. Most other provinces use a combination. They do not get federal cost-sharing. They do not get it when they use commercial spaces. My understanding, although I do not know it totally, is that a very high percentage of the spaces in Alberta are commercial spaces. Therefore, Alberta has been arguing with the federal government much longer than we have to change that particular rule.

What we are asking is that if it is not prepared to change the rule completely would it give us an interval, say five or six years. Would it do some kind of grandfathering of existing spaces, or something. Mr. Epp, the federal minister, has indicated he is prepared to look at it. He said he is prepared to discuss it with his colleague, the Minister of Revenue, but as yet we do not have a response to that.

I suspect, and it is the only way I can put it at the present time, that we will move toward income testing for at least part of our population. We may have to end up—and I am not even sure whether this is going to be permissible or not, but at least it is what we are looking at—having some needs tested and some income tested. Until we get this thing resolved, rather than refusing to do any income testing we will consider that combination. It may be a compromise half step. I wanted to put it to the member that there is no disagreement between us as to the desirability of moving. It is just a case of working out the method of doing it.

He referred to the present cost sharing between the two jurisdictions of government, the present Canada assistance plan arrangements and the desirability of removing it from the welfare mode. We are already clearly on record publicly that our overall direction is to move child care from a welfare mode to a public service mode. Once again there is no disagreement there.

We are not completely in agreement that we should take it out of CAP. Let me share why, and the member is certainly free to dispute this at a

later time. CAP, at the moment, is the only sharing program that we have.

The Vice-Chairman: Excuse me a minute, Mr. Minister. That bell is a division on Mr. Nixon's motion, which is basically a closure motion. I have no idea on how long the bell is going to ring, so it is up to the members of the committee as to what they want to do about this. I think, probably, some of us will want to go.

Mr. R. F. Johnston: What does the motion read?

The Vice-Chairman: I think it is for the motion.

Mr. R. F. Johnston: Does it not say at the end that for the third reading it cannot be more than 10 minutes, but it does not say how long this can take.

The Vice-Chairman: The motion refers to a 10-minute division bell but I do not think it would apply to this motion because until a motion carries the bell can go forever.

Mr. Cousens: I would not mind finding out what is happening within our caucus.

Mr. R. F. Johnston: Do you want to make a phone call and see what is happening?

4:10 p.m.

Mr. Cousens: Do you know how long the bell will ring?

The Vice-Chairman: I do not know. Maybe we can get some information from a whip. Mr. Offer, will you check with the whip and see what is going on and come back and tell us?

Mr. Cousens: The clerk of the committee can check and see if our caucus is getting together on this. If it is, I will have to go.

The Vice-Chairman: Yes.

Hon. Mr. Sweeney: Do you want me to go ahead?

The Vice-Chairman: You might as well keep going.

Hon. Mr. Sweeney: I think the member for Scarborough West (Mr. R. F. Johnston) will appreciate that I am touching on a number of his issues as well as we go along. I will try and pick up the ones coming fairly close to them.

I say to the member for York Centre that our concern with CAP is that at the present time it is the only open-ended, cost-sharing program that we have. It simply means that we can put as many spaces as we want on the market, and as long as we stay within the income guidelines we qualify. If we move on to something else—and I guess the only comparison I can give is when cost sharing

for post-secondary education and health was moved from the 50-50 split to block funding, everybody said, "Alleluia." I need not tell you that they are not saying alleluia any more because once we move to block funding then the federal government can simply say, "Okay, we are only going to give you so much money, take it or leave it."

Our concern is that if we move out of CAP the same thing could happen with day care. Right now the door is open. We, as a province, have the option to provide a lot more spaces than we have now. We are not taking up what we can. Strictly, it is a dollar figure. We still have to pay 50 cents out of every dollar, but as we move into opening the thing up much more, and that is the drive of our report, then we want to leave that option open. We are somewhat fearful of moving out of that model, even though it seemingly has a welfare stigma, but not totally, because there are a number of programs that we operate through that plan that are not welfare. We could be biting off our nose to spite our face, that is our concern.

Mr. R. F. Johnston: Surely, it is a matter of political will. You have already said that in Alberta, for instance, they ignore it and go ahead and provide it.

Hon. Mr. Sweeney: They pay 100 per cent dollars.

Mr. R. F. Johnston: Exactly, it is political will.

Hon. Mr. Sweeney: But I would also say that the restrictions Alberta puts upon its candidates is even more severe than ours.

Mr. R. F. Johnston: But again, that is political will.

Hon. Mr. Sweeney: We have checked with other jurisdictions and, at first blush, it looks as if they are more open than we are; but when we look at the other restrictions they have built into their program they are not. Therefore, what we are hoping to come up with is a total package that will really open the thing up. We want to be sure we do not get caught having a source of funding cut off that we are counting on, quite frankly.

That does not mean that at some time in the future we will not have another cost-sharing program. I simply want to share with you why we are reluctant at this time to be the initiators of pulling out of the CAP proposal. We like the openness of it. We are not sure we can get anything any better. That is our dilemma. Also, let me say that it does give us a lot more options than we think anything else would. As I say, you

can disagree with that but I wanted to show you where we are.

Regarding work place incentives, there is no argument whatsoever. We believe, as well, that should be encouraged. We have a number of initiatives which do that at this time. We will supply the initial \$55,000 to any work place centre in order to supply equipment to do some refurbishing. We will not supply capital costs to a work place, but we will supply that initial \$55,000. The capital costs are the work place itself.

Another initiative we are encouraging is if smaller businesses that do not have enough funds, or enough need on their own, would form some sort of co-op, we would supply funding for that. It could be businesses within a half-mile radius of one another might agree on a central co-op among themselves. We are saying to businesses, "We will look at any proposal that you may want to bring to us if you want to make it a part of your work place incentive."

The member for York Centre brought up an observation that I have not yet got an answer to but I want to tell him I recognize it. He said, "If a handicapped child moves into an integrated centre, they lose the subsidy." I do not think that is true.

Mr. Cousens: I am sorry, I am being called to a caucus meeting.

The Vice-Chairman: I understand the Liberals are being requested. The committee will stand adjourned until it resumes.

Mr. R. F. Johnston: I do not like—

Mr. Cousens: We could meet at midnight.

Mr. R. F. Johnston: We have no authority, unfortunately. We might as well—

Mr. Barnes: Mr. Chairman, do you want us wait here in case?

The Vice-Chairman: We have no authority to meet past 6:30 but it is possible we will be back. I do not know. You will probably be very safe to go home.

Mr. R. F. Johnston: We could decide not to come back if you want.

Mr. Cousens: You have your staff. I have a sense there is some discussion. I will be here until 6:30 regardless.

Mr. R. F. Johnston: We will be here long past 6:30, I am sure of that.

Hon. Mr. Sweeney: I am in the hands of the committee.

Mr. Cousens: I think you would be wise to adjourn. I think there is an unknowable and you have people who are just standing by. We can have time next session.

The Vice-Chairman: Is it the consensus of the committee that we adjourn the proceedings today?

Agreed to.

The committee adjourned at 4:17 p.m.

CONTENTS

Thursday, June 19, 1986

Opening statement: Mr. R. F. Johnston	S-377
Adjournment	S-390

SPEAKERS IN THIS ISSUE

Cousens, W. D. (York Centre PC)
Johnston, R. F. (Scarborough West NDP)
Reville, D., Vice-Chairman (Riverdale NDP)

Witness:

From the Ministry of Community and Social Services:

Barnes, P., Deputy Minister
Sweeney, Hon. J., Minister of Community and Social Services (Kitchener-Wilmot L)



Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Estimates, Ministry of Community and Social Services



Second Session, 33rd Parliament
Monday, June 23, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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Vice-Chairman: Reville, D. (Riverdale NDP)

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Substitutions:

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday, June 23, 1986

The committee met at 3:59 p.m. in room 230.

ESTIMATES, MINISTRY OF COMMUNITY AND SOCIAL SERVICES (continued)

The Vice-Chairman: I see a quorum.

On vote 2901, ministry administration program; item 1, main office:

The Vice-Chairman: Please continue your response, Minister.

Hon. Mr. Sweeney: Let me say at the outset that I had indicated I would attempt to respond to a number of the issues raised. If, at any time, either one of my critics feels I am going on too long, it is up to him to stop me, and we will go on to the other votes.

The Vice-Chairman: Shall we test the floor?

Mr. Cousens: You could not go as long as somebody else.

Hon. Mr. Sweeney: Provided I do not hear from them, I assume my responses are an appropriate use of time. Let me put it that way. I want to be sure the members of the committee recognize, as I do, that the time allocation is theirs, not mine.

I believe I was about halfway through responding to the concerns of Mr. Cousens with respect to child care when the bell rang and we cut short our activities. Let me try to pick up where I believe I left off. If I am repeating anything, once again, please let me know.

The last point I have here with respect to Mr. Cousens's comments dealt with, if I can read my own writing, violation policy and penalties. I assume Mr. Cousens was speaking to situations where day care operators are operating in violation of the present licensing provisions of the province and asking what we do about that.

As soon as a violation is brought to our attention, whether it has to do with too many children, the facility itself not operating properly or a staffing inadequacy, we immediately send in one of our day care inspectors to ascertain whether the allegation is correct. The problem we have had most recently, in about five different parts of the province, is people operating day care centres illegally. They did not have licences to operate the centres. At present, the regulations state that if someone has more than five children

in care, he or she must have a licence and must be operating a supervised centre. The difficulty we have is the time it takes simply to go through the legal process.

One woman in particular, in eastern Ontario, has been literally and quite openly defying the law, and indicating that she is going to continue to defy the law, for about three or four months now. We have been there and had people checking. She has refused to allow our inspectors to look at her books. We have actually had to have somebody sitting out front in a car watching kids going in and counting the number of kids going in and coming out.

One of our inspectors said: "I feel like I am on Magnum, PI, or something like that. There was nothing in my training for a private eye." What I am trying to share with you is that it is not easy to get the information and enforce the law, although we make a very strong effort to do so.

There is a second point I draw to your attention. If we have a licensed centre and the practice in that centre does not meet our standards, once again we go in immediately and indicate to the operator that he or she has to meet certain standards. We do not say immediately, "You have 24 hours before we close you down." I am sure both my critics appreciate that there are a number of children involved, and the parents of those children are not able to make necessary changes overnight.

We say to the operator: "Look, we are prepared to work with you. We are prepared to give you a reasonable amount of time, but you have to indicate a willingness to make the necessary changes within the time limit." Otherwise, we notify the parents of the children who are there, indicating the violations and indicating that we are not able to allow these violations to continue and we are prepared to work with the parents to find alternative accommodation for their young children. We have a practice very much in place for dealing with those kinds of problems.

Mr. Cousens and Mr. Johnston both raised the question of indirect subsidy. That refers to those municipalities which are not following the guidelines requiring them to have a needs test, as the province is required to have under the Canada

assistance plan. This goes back approximately three years.

I believe there are 24 or 25 municipalities, roughly evenly divided in various areas of the province, which were contacted by the former government. There are more in the east than in the north simply because of the sparse population in those two areas of the province, and it makes it a little bit more difficult.

About three years ago, it was brought to their attention that what they were doing was illegal. They were permitting a much lower fee for people who would not qualify under a needs test. They might have qualified under an income test—which, as I have already indicated, we wish to move to—but they would not qualify under the existing needs test. The former government had indicated to these municipalities that they would have to make the change.

When I came into the ministry, I was advised that January 1, 1986, was determined as the cutoff point. I asked my staff to review the situation of various municipalities, and we discovered a number of them that would be in really dire straits. They might even have to close the day care centres because the increase in cost they would have to apply to the parents would literally double overnight. Therefore, I indicated that I was prepared to give them another 12 months. The date now set, which was set back in the fall of 1985, was December 31, 1986, so those municipalities were given another full year to get their houses in order.

The other thing we indicated to them was that we were doing a review of child care and hoped to be able to alleviate some of their difficulties; but we have also indicated to them that we probably could not alleviate all of them and that it was their responsibility to show a little bit of good faith and co-operation with us and to move at least part-way. We have indicated to those municipalities that we are prepared to work with them.

Quite frankly, the ones we are having difficulty with are those that in our judgement can afford to make the change, if not in one sweep, at least over a period of time, and are just bucking the whole system. They are saying: "No, we do not want to do it. We do not like it, and we are not going to do it." We are going to deal with them on an individual basis, and I am hoping we can resolve the issue to the satisfaction of most people before the end of this year.

Part of the other difficulty we have with the indirect subsidy is that some municipalities have set the qualifying income far too low. For

example, many of them could quite easily set it at \$18,000, which is pretty well the provincial average, but they are down to about \$14,000. One of the reasons they have done that, at least as near as we can tell, is that it relieves them of the responsibility for paying their 20 per cent of a fully subsidized space.

We have said to those municipalities: "Look, that is not fair ball. You are getting out of paying a fair share of your costs, yet you are criticizing us for not allowing you to have this kind of indirect subsidy. It has to be a two-way ball game. We are prepared to work with you but, in all fairness, you have to work with us as well."

We will do everything in our power to see that no day care centre has to close down because of this. Where there is a case of genuine hardship, we will work out some kind of accommodation with that locality. However, I do want to be on record as saying those municipalities that are not really pulling their fair share of the load are going to have to do more than they have been doing.

The other point I want to make is that we hope, by the end of this year, to be far enough along in our own review that we can clearly indicate to them, "Okay, let us look at a three- or four-year phase-in program, so that we know what we are doing and you know what you are doing, and we can work together."

Mr. Cousens's next reference was to the informal versus the formal system of day care. I believe he asked what kind of support we were offering. At present, it is our best estimate that about 500,000 children in Ontario are receiving some form of day care. About 80 per cent, or 400,000—these are round numbers, but they are fairly close—are in what is called the informal system; in other words, there is no supervision and no licensing. The other 100,000 are in either centre-based or private-home day care, both of which are licensed and supervised.

We share Mr. Cousens's concern that there is a great unknown with respect to the informal system. We are not suggesting by any means that it is all bad or that there are not a lot of young kids getting good day care in that system. The fact is that we simply do not know. Therefore, we want to move in our review to provide more options to parents to choose something else if they have a sense that it is not the best thing for their own kids.

4:10 p.m.

One of the things we have done to assist with the informal system is to set up a series of resource centres around the province and to provide opportunities for informal day care

givers to come to those resource centres. There they can get information on how to provide quality programs and nutritious meals, as well as getting booklets that describe the range of services they can offer and how they can be sure their premises are safe.

We have tried to the best of our ability to publicize that those resource centres are available and that the services they offer could be of benefit to an informal operator.

Mr. R. F. Johnston: How are they funded?

Hon. Mr. Sweeney: Through our program, through the new initiatives directly.

Mr. R. F. Johnston: That is 100 per cent provincial dollars?

Hon. Mr. Sweeney: Yes, that is provincial money.

Mr. R. F. Johnston: So there is no need for federal Canada assistance plan dollars for resource centres to help to inform?

Hon. Mr. Sweeney: No, that is not true. When I said 100 per cent, I meant provincial versus municipal. All our day care initiatives, at least to the best of my knowledge, are funded on a 50-50 basis.

Mr. Barnes: Resource centres are 100 per cent provincial money with no CAP cost sharing. Reserve centres are not cost shared, so they are 100 per cent provincial.

Mr. R. F. Johnston: Why were we willing to do that when we are not willing to do it in the other areas, as you said before?

Hon. Mr. Sweeney: It is total cost. I am sure the member will appreciate that the total cost of that one program is considerably less than the cost of the much wider program. It is very expensive to go it alone, particularly when we are looking ahead in our review process, when we are looking at upward of a tenfold increase—

Mr. R. F. Johnston: The principle of going on your own and doing this sort of thing does not offend you? Obviously, if—

Hon. Mr. Sweeney: If we could afford it, the principle does not offend me at all. The cost does not offend me; I just do not have the money. It is as simple as that, particularly if we want to move into a new type of program which could involve upward of a tenfold increase. In terms of provincial dollars, we will go well beyond what we are spending at present, but it would be fiscally difficult, if not impossible, if we tried to do it on our own.

Mr. R. F. Johnston: Is one of the options of maintaining the municipally run day cares in the

communities that are getting indirect grants but that will not play ball with you, perhaps putting 100 per cent provincial dollars in those areas to maintain those centres?

Hon. Mr. Sweeney: In some situations, as we already have the option, we can set up a different kind of corporation within a municipality, if the municipality is not prepared to play ball. We do not want to do that and certainly do not want to make a practice of it, but a lot will depend upon the final resolution of our cost-sharing arrangements with the municipalities.

In my opinion, it will be a different kind of sharing from what we have now. I hope it will include incentives for municipalities to participate and that the residents will see the value of those incentives and encourage their municipal representatives to participate. That is about as far as I can go.

Mr. R. F. Johnston: Is that your provincial plan, or is that what you are hoping the CAP changes will look like?

Hon. Mr. Sweeney: We are looking at the provincial plan now.

Mr. Cousens moved on to the question of parental leave incentives. The overall review includes this as one of the options and a part of the total package. For example, we are looking at some changes to the federal and provincial tax structure and also at incentives so maternity leave can be longer, or the incentives available to parents such that they can look at them as an alternative.

Again, it keeps coming back to that one issue. We want to end up with a system where there is a range of options available to parents. They might want to take advantage of a tax system, of an extended leave system, or of some form of the formal system or the informal system. That is certainly part of the process we are looking at. We have not made any commitments at this time that it cannot be part of the total package.

The Minister of Labour (Mr. Wrye) and I have discussed this and we are discussing with our colleagues how that can be built into the whole labour code, providing opportunities for mothers and parents to have longer leave time and the inevitable incentives that have to be part of it. Once again, the difficulty will probably be cost. Who will pay them? What kind of financial incentives can you make available so it would be worth while to a parent to stay home longer than the present 17 weeks under unemployment insurance? That is part of the total package we are looking at.

Mr. Cousens then asked about the current federal government consultation on the tax deduction. We have made known to the federal government that we hope to be able to build into our final resolution a broader range of tax deductions.

At present, as I am sure you know, there is a limit as to how much a family can apply to its income tax return; it is around \$2,000 per child, if I am not mistaken. We are all aware of the fact that the average cost in Ontario right now is slightly less than \$5,000 per child—\$4,800 or \$4,900.

When you apply the percentage of tax rebate, the average return would probably be in the neighbourhood of \$600 or \$700, maximum. Therefore, when you are actually putting out almost \$5,000 and your tax return in actual dollars is in the neighbourhood of \$600 or \$700, it is not much of an incentive. The other difficulty is that the higher your tax bracket, the greater the advantage, obviously, in using the tax system.

The Treasurer (Mr. Nixon) has indicated to us that he would like us, as part of our review proposals, to take a broader look at the whole way in which the tax system could be used more effectively. We have indicated to him that we are quite happy. We see that as part of the package; we do not see it as the answer by itself. As a matter of fact, the conclusion we are very rapidly coming to is that our final proposal is going to have to consist of a number of components. No one system is going to work, and the tax system is going to have to be part of that.

Both the federal government and our own Treasurer had suggested at one time that this could perhaps be the main plank of the program. We have indicated that in our judgement it probably cannot be the main plank, for the very reasons I have just shared with you, among others.

Mr. Cousens then moved on to expressing his concern about the elderly. He indicated that some actions are needed now, as opposed to a year or two down the road, when the report of the Minister without Portfolio responsible for senior citizens' affairs (Mr. Van Horne) becomes crystallized and we actually see some action flowing from it. I agree with Mr. Cousens, and there are some actions being taken at present.

You will be aware of the extra money in both the October and May budgets for services for the elderly. These are with respect to home support services and incentives to homes for the aged, so they can have greater outreach programs, as well

as our six—and eventually 12—pilot programs dealing with integrated homemakers.

All those are the “nows” while we are working on the other.

Mr. R. F. Johnston: Again, do you have a breakdown of those by how much new money is involved? I do not need them now.

Hon. Mr. Sweeney: Yes. We have those dollar figures, and we will make them available when we come to that vote.

Mr. Cousens referred to the holistic approach. I assume he means we take into consideration the whole range of needs that elderly people have; they have social, recreational, medical, financial and transportation needs. I assume that is what Mr. Cousens means.

Once again, there is no disagreement between my colleagues and myself with respect to that. As a matter of fact, we have indicated to the Minister of Transportation and Communications (Mr. Fulton) and to the Minister of Revenue (Mr. Nixon) that they have to be an integral part of our review as well.

4:20 p.m.

As you may recall, when the white paper was released, a series of very specific statements was made, by the Minister of Colleges and Universities (Mr. Sorbara) with respect to geriatric centres at the universities, by the Minister of Health (Mr. Elston) with respect to new geriatric facilities in the hospitals, by myself with respect to community services and by Mr. Van Horne, to indicate we recognized the same thing.

There was some criticism at that time that one minister should be doing all of this. We have looked at that possibility and agreed that, rather than having a single minister do it all, it is more important to have a single delivery system at the local community level. It is our sense that is the critical thing. The social, health, revenue, recreational and transportation needs of the elderly should be available at the local level under a single, overall umbrella. I guess the common term is “one-window shopping.” We agree with that wholeheartedly.

We are not sure whether it would be in the best interests of providing services to have a single minister of the elderly looking after that whole range of services. That may be the final answer. I do not pretend to have any more information than either of you with respect to the government's final disposition. That is very much part of a whole range of options in a realignment of responsibilities between the Ministry of Health and this ministry or a realignment between those

two ministries and a possible new ministry. I cannot tell the committee what the final resolution is going to be.

Let me repeat, we think integrated delivery service at the local level is the critical point.

Mr. Cousens spoke about regulations for homes for the aged. If I remember correctly, the point he was making was that there are more stringent regulations and inspection requirements under the Nursing Homes Act than there are under the Homes for the Aged and Rest Homes Act. In some ways that is true, but we have to keep in mind that there are a number of other ways in which homes for the aged are monitored.

First, there is an accreditation process available for homes for the aged that is not available for nursing homes. Not only do homes for the aged have to meet a very specific standard to get accredited in the first place, but also that accreditation is reviewed on a regular basis. I think it is every three years, but I am not absolutely sure of that. They have to meet that standard and, therefore, they cannot allow themselves to fall too far behind.

The second point is that homes for the aged are also the responsibility of a local board of management, which consists of lay people from the community, representatives from the local agencies that serve the elderly and representatives from the local municipal councils. They must respond to and be accountable to a local board. A nursing home does not.

As you know, a nursing home is usually owned by a private operator, and he is accountable to no one but the provincial licensing authority, whereas the home for the aged is accountable for some purposes on a daily basis. I am not suggesting they are inspected on a daily basis—we all know that is not the case—but at least there is a local accountability group, which is not the same as for nursing homes.

The third point is that there is a very close working relationship with program supervisors from this ministry, who are represented in our area offices right across the province. We have about 18 offices, plus a number of suboffices, that relate to homes for the aged on a regular, ongoing basis.

We do not have the same kind of periodic inspections the Ministry of Health has for its nursing homes, but from the feedback I receive, I suggest there are probably more frequent visits from our program supervisors than is possible for nursing homes, simply because of the different organizational structure.

I would say to Mr. Cousens that, if anything, homes for the aged in this province are under much more careful scrutiny than nursing homes if we take all those factors into consideration.

The second point I would make to you is that you might recall Mr. Van Horne's report clearly said that, in addition to bringing rest homes and retirement homes under some kind of licensing and supervision, which they do not have now, our overall direction would be to have a single umbrella organization looking after all long-term care.

At some point down the line, and I hope it will be sooner rather than later, you are going to find homes for the aged, nursing homes, rest homes and retirement homes all under some kind of common supervision, licensing and inspection. In the whole sense, long-term care, to the extent it is available and desirable beyond what people need in their own communities and what is available to them in their own homes, will be much more tightly controlled.

Mr. R. F. Johnston: Might it be run by the Ministry of Health inspectors of nursing homes?

Hon. Mr. Sweeney: That decision has not been made, but there are others who share your sense.

Mr. R. F. Johnston: Whether agencies are going in on a regular basis or politicians often go in unannounced, your point about the accessibility and openness of homes for the aged is a better safeguard than having nursing home inspectors announce a short time ahead that they are going into a nursing home.

Hon. Mr. Sweeney: I agree.

Mr. R. F. Johnston: There have been enough instances around the province where that has not worked properly.

Hon. Mr. Sweeney: Let me move on. Mr. Cousens mentioned retirement homes and standards. I have partially answered that by citing the recent announcement that, for the first time, retirement and rest homes will come under a form of supervision and inspection not previously used.

We then moved on to the Young Offenders Act. Mr. Cousens made an impassioned plea for rehabilitation rather than punishment and incentives to recover and restore their lives rather than retribution and revenge. If I remember correctly, he made some reference to a study he had done during the past few years because this is of personal interest to him. If it is appropriate, I would appreciate Mr. Cousens sharing that information with us in whatever form is accept-

able. We are in the same boat of reviewing what we are doing and how we are doing it. We are open to whatever new information you can share with us, particularly from other jurisdictions, whether American or Canadian.

We meet with our counterparts on a fairly regular basis in other Canadian provinces, and I think we have a good fix on what they are doing. At this point, we have tried to include in our system the best of other worlds as far as we are aware of it.

There is no quarrel between us with respect to a stress on rehabilitation rather than punishment. If you have an opportunity to visit some of our open-custody and secure-custody facilities, you will see that is the direction in which we are going.

One difficulty is that in many cases the length of sentencing by the courts is relatively short, two or three months. Some streetwise young people have quickly cottoned on to the fact that they can sit back because they know they are on a fixed sentence and will be out in two or three months. In a few cases they tell our people: "Shove off. Mind your own business. I am going to sit here for two or three months, and I am not going to participate in any of your blink-blank programs."

Like anything else, there are blessings and curses whenever you make the kind of change we have made with respect to young offenders. Under the old Juvenile Delinquency Act, the courts simply sentenced the young person into our care and we determined where they would go, how long they would stay and what kind of program was available to them. The word quickly got around, "Look, you have to co-operate with these guys, otherwise you will be in here that much longer."

Mr. R. F. Johnston: Some of us would call that a basic infringement of civil rights.

Hon. Mr. Sweeney: I was going to say that the civil libertarian aspect of that was not very productive. As a matter of fact, some of these young kids who were sentenced when they were 12 or 13 would still be under the control of our ministry or somebody when they were 18 or 19. Nobody would say that was good. It is good that has gone. However, there is another side to that coin. Now, with a very quick sentence, they can tell us to shove off and there is not very much we can do about it.

While we can go back to the courts and ask for a reduced sentence, I am not aware of a case where anyone has gone back and asked for an increased sentence. I do not think that is even in

the cards. If we were to attempt it, I am sure we would be told it was not acceptable.

4:30 p.m.

We are moving an increasing number of young people out of the larger centres. We are turning some of them over to the Ministry of Correctional Services and its programs for 16-year-olds and 17-year-olds. Mr. Johnston referred to that earlier. When I come to it, I will try to speak to that particular point as far as I can.

There is no question whatsoever that for both secure and open custody, we are moving increasingly into the local community. We have a relatively small number of young people in anything that could be called equivalent to the old training school. We are gradually phasing out our use of those. It will not be very long until they are gone.

Your reference to the reorganization of the ministry refers, I presume, to our own ministry. I had indicated to you that one of the difficulties I encountered when I first came to the ministry—my deputy, Mr. Barnes, also encountered it when he came just a couple of months later—was a lack of accountability in certain areas. The organization seemed to be all over the map; there were too many people speaking to individual issues. It was our sense, therefore, that if we were going to have greater accountability and if we were going to accomplish the kinds of goals we felt we were responsible and accountable for, we simply had to shift things around.

The other thing we discovered was that this kind of accountability was not possible because we just did not have enough people at that level. It was brought to my attention that, compared with all the other ministries, we had the lowest ratio of executive staff to total staff. Even after adding two assistant deputies and, I believe, six directors at that particular level, we are still going to have the lowest ratio of all ministries of government.

In terms of speaking to reorganization, I have a sense that it is going to improve things, that the whole operation is going to be much more accountable. We have had an opportunity to move some of our bright, talented and creative people into positions where they are going to offer a lot more than they could before. That is an encouragement all the way down the line.

You may remember that just a couple of months ago the Premier (Mr. Peterson) called together the 600 top officials of all the ministries of government. He indicated that he wanted to create these kinds of opportunities and that while there was a limit for upward mobility in a

government that was not growing overall, there would be lots of horizontal opportunities. We are doing that as well.

I would like to come back to the point I made right at the very beginning in reference to Mr. Cousens's comment. We have an absolutely excellent staff in terms of their professional competency and sensitivity to our clients.

Mr. Cousens pretty well finished his comments with, again, a rather impassioned statement about the family and its role in society and the fact that we have some responsibility to reinforce that role. I want to say to Mr. Cousens that on numerous occasions, as I speak to various groups around the province, this is one of my main themes. I try not to get on it in any sort of maudlin way. It is very easy to say, "The family is the basis of society." You can get on that kind of bandwagon.

Quite frankly, I try to be very practical about it and say we have clearly come to the point where it makes an awful lot more sense, in terms of the wellbeing of young people, our disabled and the elderly, for us to find ways to provide more support and more resources to the families to meet those people's needs than for us to try to meet them—and I am not talking about a dollars-and-cents kind of equation.

There is no doubt that we can build more group homes and more institutions and have more agencies to meet the needs of these people. However, the evidence is just so overwhelming that meeting their needs within a family atmosphere—if not their own family, a substitute family, whether it be a foster family, an extended family or whatever—produces much better results. For very pragmatic reasons, we concur that one of our goals has to be to look for and find ways in which we can provide more resources and more supports for families to meet their own needs.

A good example of that already in place—and one I have asked my staff to find more ways of duplicating—is the special services at home program for families who have developmentally handicapped children. These are children who otherwise probably would have to be admitted to an institution because the families do not have the resources to meet their own needs.

What we have said to those families is, "Above and beyond the normal kinds of resources you need to provide food, shelter and clothing to these children, to the extent that you identify your extra needs for special medicine, special equipment, special clothing and special resources such as physiotherapists, speech therapists and

people such as that who come into the house, we will provide those extra supports up to a maximum of \$10,000 per child per year."

I can say only two things. First, we have reached the point now where, maybe across the whole province, with perhaps a half dozen to one dozen exceptions—and remember we are talking about a population in Ontario of nine million—we are not taking any children into any kind of institutional care. This program is working very well. There are some exceptions, but they are very few.

The second thing is that parents are telling us over and over again, this is what they want as well. They do not want to put their children into an institutional type of setting. That we have recognized the kind of extra help they need is such a strong signal to them that they are prepared to do what they can and to keep their children at home.

The difficulty we are running into right now, and we are having some serious discussions as to how to cope with it, is when these children are becoming 18, 19, 20 or 21, when they become adults. This is basically a children's program. In a number of individual cases, because there were no viable alternatives, we have continued the support beyond the age of 18, but one of these days we are going to come face to face with the problem of what to do with these people when they become adults. Even though they are 21, 22 or 23, their needs are relatively similar to what they were when they were 15, 16 or 17.

The second issue we have to come face to face with, and you might recall there was a reference to this in the last budget statement, is assisting those parents whose children have physical as opposed to developmental handicaps. We have made a commitment to move on that front as well. Once again, it is a matter of more and more people needing the service and more and more dollars having to be found to provide it. We do not see it only as an alternative to institutionalism and, therefore, as a way of saving dollars; it is the better way to go. There is no quarrel about having to do that.

Mr. R. F. Johnston: Who are the exceptions and where are they?

Hon. Mr. Sweeney: I can get a list. I do not have one right now.

Mr. R. F. Johnston: That is fine. I do not need it right now, but I may as we come to the line item. We have been through this for a long time now about no kids being admitted. We have had promises going back to around the time I was first elected in 1979 from the then minister, Mr.

Norton, that there would be no more kids admitted to institutions. The number has dropped dramatically in most of the homes for special kids, and those that are still in them are too old to be called kids anymore. Although there are fewer, there still seem to be admissions. I want to know why that is happening.

Mr. Barnes: The majority of admissions of schedule 1 kids are for very short-term, highly specialized forms of treatment and care. We can let you have a list of those kids and who they are. I am not quite sure how quickly, but we can get it for you.

I asked the same question a few months when I was going around and I saw some children. I found they had been in literally for only a matter of weeks; they were in and out for very specific things, some behaviour modification, certain programs and assistance, some stimulation and so on, because that is where the resource is in that area. I think that is the majority of it. I was satisfied that was what was happening.

Mr. R. F. Johnston: I have heard that a home such as Christopher Robin is being used primarily for this purpose.

Mr. Barnes: It is, yes.

Mr. R. F. Johnston: I want to know about the homes for schedule 2 as well as the schedule 1 homes.

Hon. Mr. Sweeney: I was referring primarily to our schedule 1 facilities.

Mr. R. F. Johnston: I do not think the distinction is very important for the child involved.

Hon. Mr. Sweeney: I know that in a number of our schedule 1 facilities, there have been no children at all.

Mr. Barnes: Exactly.

4:40 p.m.

Hon. Mr. Sweeney: As a matter of fact, in my most recent tour, the only place where I found a child who had been admitted recently was Ongwanada Hospital in Kingston. I have been to all of them now, except Cedar Springs.

Mr. R. F. Johnston: It was supposed to have stopped entirely.

Mr. Barnes: It has, to all intents and purposes.

Mr. R. F. Johnston: I also want to know what is happening between some of our health facilities and some of our schedule 2s around the province.

Mr. Barnes: Are there schedule 2s?

Mr. R. F. Johnston: There is Christopher Robin Home for Children Inc., and there are other examples.

Mr. Barnes: Yes.

Mr. R. F. Johnston: Does that become another means of entry into the whole nursing home world and that kind of thing for people who we presumed were not going that route any more?

Hon. Mr. Sweeney: That is not the preferred route, and the number of options now available to parents is considerable.

Mr. R. F. Johnston: I do not mean to pick Christopher Robin just because it is doing—

Hon. Mr. Sweeney: No, no.

Mr. Barnes: I think Christopher Robin offers a very specialized program. There are some reasons why it exists.

Hon. Mr. Sweeney: I was there about four or five weeks ago. They are already going through their current residents, and they indicated to me who was going, when they were going and where. However, there is no doubt that other children will be admitted there, as the deputy says, for specific terms.

For example, most of the kids at Christopher Robin, when I was there about four or five weeks ago, had been in for less than two years and would be there for less than one more year.

Mr. R. F. Johnston: I understand how much better that is than it has been in the past. However, I always think it is important for us as adults to remember what a year means to a child. What is the oldest you are allowed to be in Christopher Robin, 11? I cannot remember.

Hon. Mr. Sweeney: The average is closer to six or seven.

Mr. Barnes: It is meant to be for children under 12.

Mr. R. F. Johnston: So 11 is the maximum age. When you think of what we are talking about when we say a kid will be there for two years and will often go to other places afterwards, which I think is unacceptable, that is an awfully long period in a young child's development, no matter how serious the problems are and how specialized a facility that is. However, we can deal with that when we get to the line item.

I want to know what these exceptions are, because I am not clear that we need as many exceptions as we have, even though we are much better off now than we were in the mid-1970s.

Hon. Mr. Sweeney: If I can give you one example, the young child I saw in Ongwanada

was a child of an army family that had just been moved over to Europe. They had been told by their superiors that while they could take the baby with them, the kinds of services that would be available to them in the setting to which they were going would not be appropriate at all. That is a very personal and probably unique situation, but those are the kinds of special situations we have to deal with. It was also a case of the mother not having the emotional stamina to handle the situation.

Mr. R. F. Johnston: Again, at Ongwanada, as a choice depending on what the program was, it would not necessarily be the first that would come to my mind as a place to put a child.

Hon. Mr. Sweeney: It was very short-term. This was a very young child.

Let me move on. We can obviously come back, Mr. Cousens, to any one of those for further explanation.

Mr. R. F. Johnston: If you are going to start to deal with my comments now, may I suggest, if it is all right with you, the chairman and others, that we do them on a line-by-line basis? I have a bit of difficulty in guaranteeing that I can be here entirely throughout the day. Because I am the chairman of the committee, I would like to speak to Bill 30. At some time or other, I expect a call from the whip on that.

It might be easier, if we went line by line, to move on to other matters of concern to Mr. Cousens or other members of committee, if that is all right with you.

Hon. Mr. Sweeney: I will try to pinpoint the areas that you expressed concern about as we go from line to line. If not, perhaps you can remind me.

Mr. R. F. Johnston: I wonder if we might have an update. Mrs. Noble introduced herself to me as we were ending last time, and we had a small discussion on the whole question of the vacant directors' positions. I was looking at the organizational chart. As I said earlier, I like some of the reorganization that has been undertaken. I wonder if you would give us an update on the six directors' positions. Is there anything new to report, or what is the process?

Hon. Mr. Sweeney: Let me speak to it briefly, and then the deputy might be able to add more. There are the six you see there. You can tell by looking at the particular roles, how they fit in with the accountability I was talking about before. My recollection is that about 36 people were interviewed for that in total, from our own Ministry of Community and Social Services,

from other ministries and from outside the government.

Mr. Barnes: Actually, the competition was service-wide; it was not from outside the government. We had about 100 applications. The interviews of 36 or 37 people were completed last Thursday. We are reviewing a short list right now. We may have to do a few re-interviews, depending on the short list. We hope to announce the appointments in July.

Mr. Cousens: I have a few questions. Are we talking about vote 2901, item 1?

The Vice-Chairman: Yes.

Mr. Cousens: On the organization chart, how many people are involved in the process of public relations? I would assume that would come under Robert Gregson.

Mr. Barnes: Yes. I will get you that information. There are two major organizations within the communications department. One is the communications area itself, and the other is the program information unit, which reported previously to the assistant deputy minister, operations, and was transferred to communications in 1983.

Ours is a highly decentralized ministry. The program information unit tries to keep a handle on issues, problems and questions; tries to provide a service to MPPs generally; tries to provide a service to the minister; and tries to keep a handle on the sort of developments occurring around the ministry as a whole.

I am not sure of the actual numbers in both those areas. I have a figure in mind, but I would rather confirm it and give it to you later.

Mr. Cousens: How are people within that area measured for their job performance? Is it by the number of press releases?

Mr. Barnes: No. Let me give you an example. One of the regular measurements I get is the time it takes to answer letters. We have managed to improve that by some three weeks over the past four months. They also have a lot of speeches to write for me and various members of the ministry. I certainly do not measure them on the number of press releases.

I look to two major issues in our communications department. One is providing a service in answer to questions. We get a huge amount of mail every month. How many letters do we respond to each month, Liisa?

Ms. Bundock: More than 1,000.

Mr. Barnes: We have to respond to more than 1,000 each month. We have 500 clients; you can imagine that generates a lot of mail.

The other area where I am looking to my communications department to provide us help with is trying to improve the image of the ministry. We in the ministry feel far too much attention is paid to the concept of it being money wasted, thrown away and spent on income maintenance people, who are allegedly out-of-work indigents with no desire to work. There is a very real feeling in the private sector and out there in Ontario that this is what this ministry is about.

We are trying to develop a marketing plan approach by talking to Rotary Clubs and agricultural people, and generally getting out to a public whom we frequently do not come into contact with, to tell them what the ministry is doing. I am looking to that branch to provide us with a very real helping hand in trying to improve where we sit in this whole area.

We have a total of 47 staff in the communications department, 13 of whom are in the program information area dealing with letters, responses and so on.

Mr. Cousens: How does this compare with last year and a year ago on the previous time frame?

Mr. Barnes: I do not know.

Interjection: The same number?

Mr. Barnes: There are a few more, because I added some. One reason we managed to improve the response time by four weeks was by adding three extra staff to the program information area because of the time taken to deal with the letters. Therefore, it would be plus three.

4:50 p.m.

Mr. Cousens: Do you use word processing equipment?

Mr. Barnes: Yes. When we get a letter in, we have to go out to the field to find the details. Obviously, most of the letters we get are, "Why did you not do this for me?" or "Why did that happen?" We try to have an interview first. Getting down to the details and working it out take a long time. It requires very detailed and accurate transmission of information; so we rely very much on word processing. We have facsimile machines. We are fairly well off, technologically. I think we can get better, but it is not too bad.

Mr. Cousens: Last week, in the federal government, there was some concern about relatives of senior people being hired within ministries. That would tie into such people as the minister, senior deputy minister or assistant deputy ministers. Are there any relatives, by

marriage or otherwise, of the minister or his deputy ministers employed within the Ministry of Community and Social Services?

Hon. Mr. Sweeney: I have a son-in-law working for me.

Mr. Cousens: In what capacity?

Hon. Mr. Sweeney: He is in my minister's staff on a one-year secondment. He was with the Ministry of Tourism and Recreation for three years in the previous government. He joined my staff for one year and will go back into the ministry, I guess roughly at the end of this month.

Mr. Cousens: Are there any statistics on other employees? I do not pass judgement on that kind of thing at all. My question is only to clarify other relations of senior people being hired within the ministry. Are there any data on that?

Mr. Barnes: We do not have any data. This is the only one I know of.

Hon. Mr. Sweeney: Not that I know of, Mr. Cousens.

Mr. Cousens: When the new chart of organization was organized, were any employees red-circled?

Mr. Barnes: Not when it was organized. At the time of making some appointments, one manager was red-circled.

Mr. Cousens: In total, how many are there within the ministry now who are red-circled?

Mr. Barnes: I have no idea. I could find out for you.

Mr. Cousens: Would you?

Mr. Barnes: Yes. There has only been one red circle since I arrived in the ministry, to my knowledge.

Mr. Cousens: What is the size of the personal staff of both the minister and the deputy minister within the ministry? I do not see it on the charts.

Hon. Mr. Sweeney: There are five on my personal staff; one executive assistant, four special assistants—oh, and a driver. Six.

Mr. Cousens: Four special assistants?

Hon. Mr. Sweeney: Yes. When the new government took over, the various ministers were allocated a staff size, depending upon the size of their ministry; it was either three, four or five. Obviously, the smaller ministries would have three staff; the biggest ministry would have five. This ministry is the third largest in the government. That is why we have that allocation.

Mr. Cousens: I do not think that is out of the way at all.

Hon. Mr. Sweeney: Basically, what they indicated was that if you have a small ministry, one staff person can do two jobs. If you have a bigger ministry, you need one staff person for each of the four major functions the minister's office has. To the best of my knowledge, no ministry has more than what I just described. I think that is the largest.

Mr. Cousens: Is there a personal staff around the deputy minister at all? Is there an assistant or a number of assistants?

Mr. Barnes: I have one executive assistant, a secretary, the receptionist for both the minister and myself, a secretary to the executive assistant, someone who does the mail and a file clerk. That is a total of six.

Mr. Cousens: I understand you went through a cross-government type of process to fill the six vacancies described here under the family services and community services, from which you had more than 100 applicants and sifted it down to 36 or 37. You did not go outside government services for any of them?

Mr. Barnes: We did not go outside the public service, no.

Mr. Cousens: With any of the hirings you have had in the past while, did you use outside agencies at all to find either contract employees or permanent employees?

Mr. Barnes: Not that I know of within the ministry. I could check on that. We have used an outside agency for systems.

Mr. Cousens: On the computer systems?

Mr. Jordan: Yes. We had consultants—

Mr. Barnes: Would you come up to the table?

The Vice-Chairman: Yes. Would you please give your name? Then we can get your answer on the record properly.

Mr. Jordan: My name is Michael Jordan.

We have used consultants in the context of improvement in the systems area. Outside consulting firms, Edmonton firms, are very helpful with regard to identifying private sector personnel who would be advantageous to the ministry in meeting its development around systems.

As you are aware, the whole systems area is extremely competitive within the government. There are a number of large systems under development. There are only so many people available, and therefore they do go to the outside sectors and use consultants in that capacity.

Mr. Cousens: I have two questions, if I may. How much would have been paid out for these

consulting services? How many people would have been brought on in the last 12 months?

Hon. Mr. Sweeney: Mr. Jordan, can you answer that?

Mr. Jordan: Not at this moment. I can get the information.

Hon. Mr. Sweeney: Do you have any idea how much we paid out for consulting services. How many people did we bring on?

Mr. Barnes: I do not know.

Mr. Cousens: I have one other question, but not on that side. Thank you very much.

On French-language services, which also fall under that vote, how much more has been spent by the ministry on French-language services in this fiscal year than in the previous fiscal year?

Hon. Mr. Sweeney: It should be in there somewhere.

Mr. Barnes: We will need notice of that in terms of dollars. We will get it for you.

Mr. Cousens: My next question follows from that one. I know press releases came out that indicated the expansion of certain services in the Ottawa area, where certain things were happening, and understandably so. However, I want to know what has been added to French-language services with the extra funding that is there.

Mr. Barnes: In general terms, we have been working very closely with our agencies—obviously, because so much of our money, \$1 billion, is spent through them—to try to ensure that French-language services are available in areas where there is prime requirement for them. Thus, in the Ottawa area, east and west, we have been pursuing a policy of increasing the proportion through attrition, providing support and so on.

The results have been quite gratifying in that area. Similarly, we are trying to do work in the north. With the new legislation that is proposed in the French-language area, I am sure it will be extended elsewhere. With regard to the actual additional dollar figures, I would have to get them for you.

Mr. Cousens: I would appreciate having that before we rise for the summer.

Mr. Barnes: The point I want to make here, however, is that, with respect to our transfer payments, we have so much money. What we are trying to do is to turn around, within that context, more people working in homes for the elderly and more people working in children's residences—be they mentally retarded or whatever—who are francophone, can speak

French and so on. We have been pursuing quite an aggressive policy in that area.

Hon. Mr. Sweeney: The distinction the deputy is pointing out to you is that we in the ministry have not added to any great extent. All the additions and all the new money are going into the service delivery agencies. That is the distinction.

Mr. Cousens: One of the questions I am leading up to on this one is that there is a need for a person speaking another language to have the comfort of a service provider speaking that language, whether he is Chinese, Italian or whatever. It has to be universal. It is not just a francophone need that is being given the emphasis. It has to be the need of the person whose mother tongue is other than English and who requires more support. I am very interested in knowing how we are working to that end. I know it has been a traditional subject of interest, but it continues to be one that I have.

5 p.m.

Mr. Barnes: That is a fair comment. Obviously, we have a priority in the francophone area, given the government policy and so on. However, in Metro Toronto, for example, we have staff who speak a total of 27 different languages and work in those languages. In fact, there may be one office that gets nearly that high. We are aware of that and recruit with that in mind, because we obviously have to cut across all the cultures. When we deal with the elderly, we are dealing with people who do not have English or French as a second language and we have to talk to them in their own languages.

Mr. Cousens: Ukrainian—it could be anything.

Mr. Barnes: Absolutely. Portuguese, Chinese, Japanese—I could go on. We have a good mix of those languages. True, we do not have them everywhere, but we do call on people; we do have people who are available to be used. I was very impressed with what I found in Metro.

Mr. Cousens: That raises another question. When an applicant moves into a facility for which our ministry, as I like to think of it, has responsibility and that person's mother tongue is other than English, is a review taken to find someone in that residence or facility who can relate more effectively to that person? Is there a follow-up through inspections or in other areas to see that there is some concern? That, to me, is an important area of comfort.

Mr. Barnes: Yes. We like to think that in as many cases as possible we case-manage so that

we are taking into account all the needs, a sort of holistic approach to the individual. I would not like to guarantee that in every case we manage to pull it off, although we try to do so.

We are also clearly getting more and more applications for specialized homes for the aged, for example, and we are trying to attend to those, particularly for the aged, where they know no other language and are used to a particular kind of food and lifestyle. That probably is very important at that stage.

In other areas we do what we can, and obviously we do rely on the agencies themselves to follow through effectively, but we do not inspect to find whether somebody of the right language is dealing with each individual.

Mr. Cousens: That would be a difficult mission. Notwithstanding that, it could be a worthwhile exercise—for lack of a better word; it is more than an exercise—to do a survey to check it out in a few instances and to see how it is going.

You are trying; I have no evidence to the contrary. It is a worry for me when I leave some of the people I visit. We do an excellent job on some of the primary languages, but we have forgotten about some of the others, and they are worth following through.

I have one other question, and there may be an easy answer to it. The transfer payments have stayed constant for the Canadian Council on Social Development and the Ontario Association for the Mentally Retarded. There has to be a reason. Is it because you are trying to punish, or you are trying to save or are you efficient or—

Hon. Mr. Sweeney: You want to know why the facts and figures have not changed?

Mr. Cousens: Yes.

Hon. Mr. Sweeney: They are frozen. We have told all of those agencies we were not going to increase those flat grants. What we want to do and what we are doing with them is negotiating project grants.

For example, the Ontario Social Development Council will be working with us on our income maintenance review. We have identified three or four areas in which our review committee will need some research done. We will buy or contract with them for set sums of money to do certain projects such as that.

We have indicated two things very clearly. One is that existing transfer payments are frozen and no new ones will be allocated. In other words, we will not do that any more. Given the fact that these particular agencies have become reasonably reliant on these sums of money over a long period of time, we will not take them away.

However, we are definitely moving into project contract kind of work rather than direct grants. They call them name grants, do they not?

Mr. Barnes: Yes.

Mr. Cousens: These agencies and councils have such an important role to play within our society there is no way their efforts can be allowed to deteriorate. I know the difficulty you have in balancing the budget and in allocating funds. They, too, have very big challenges. I hear you say they are able to get moneys in other ways: through the ministry, through contract work and special assignments.

Hon. Mr. Sweeney: But there is one other thing to keep in mind. We also want them to work in a financial way with other agencies.

I will not name anyone in particular, but one of these agencies had become so reliant on getting money from us that it did not feel it had any responsibility at all to go to another range of agencies—let us say children's mental health centres, children's aid societies, homes for the aged, those kinds of things—and offer to provide a service for them, again on a contract basis. It did not need to do it; it did not need to reach out and offer a range of services, because we were the funding source and it did not have to go anywhere.

We are simply saying to them: "We will honour what we have done for you in the past, but now you are going to have to go out and start talking to some of the others as well. You are going to have to be prepared to do specific kinds of things rather than just get this money and"—I do not want to say not be accountable for it—"not be accountable for any lack of creativity, innovation or initiative on your part."

There is the other side of the coin. If these groups relied only on us, you would eventually get the syndrome of he who pays the piper calls the tune. We do not want them to be in the position where they are totally beholden to us. I am sure that if you talked to some of them, they would say it would not bother them very much, but it would bother us.

Mr. Cousens: I appreciate that.

Hon. Mr. Sweeney: We have told them very clearly we will not see them go under. That is not the issue.

Mr. Barnes: For many of them, their membership fees are paid by agencies that we fund—the OAMR, for example. The Provincial Auditor is asking, "What do you get for the money you give?"

Mr. Cousens: I know the catch 22 you are in. Did I ask, finally, Mr. Chairman, how many people are red-circled? I do not want any names.

Mr. Barnes: Yes, you did, and I said I would get it for you.

The Vice-Chairman: Is there anything further on item 1?

Item 1 agreed to.

On item 2, financial services:

Mr. Cousens: I have a few questions on this subject. When you talk about services of \$1,105,700, is that broken down? How would you break that down between any capital versus operating expenses in there?

Mr. Barnes: There is no capital in this, to my knowledge; it is just financial services. You will find that the financial information system and systems are paid for out of that, I think. Mr. Jordan, can you give me some help on that?

Here we are: Systems costs, including Ministry of Government Services Queen's Park Computer Centre chargebacks and equipment rental. We do have, with our financial information system, an enormous amount of business. We have 591,000 transactions per annum, 358,000 ministry-issued cheques, 134 cheques requisitioned from the Treasurer and 25,000 vendors. A significant amount of that money will be the cost of computer time on the Ministry of Government Services computers.

Is there anything else in that area, Mr. Jordan, that is significant?

Mr. Jordan: The services account within that activity comprises the kinds of things you are describing, primarily electronic data processing service charges from the Ministry of Government Services.

The cost has increased during the last several years because of the introduction of a new on-line, real time financial information system, which is a change from the previous batch-based, tape-oriented system, an archaic system that we inherited from the Ministry of Health 12 years ago. We introduced this new system, and associated with it were significant increases in EDP service charges.

Mr. Cousens: Are any computer capital expenditures included in that figure?

Mr. Barnes: None.

Mr. Cousens: Where are they located in your budget?

Mr. Barnes: Most of our computers are PCs are paid for by individual area offices, branches and so on. They have to find it out of their own

direct operating expenditures. You will find that through the various program areas.

Mr. Cousens: Are they connected at all to your central system, or are they all free-standing?
5:10 p.m.

Mr. Jordan: This system runs on a series of large mainframe computers at computer and telecommunication services, MGS's location at Queen's Park. The costs of maintaining, acquiring and servicing those mainframes are paid for by the Ministry of Government Services and charged back to ministries through the services line. We cover their overhead through our service payments.

Mr. Barnes: In this area, supplies and equipment would cover the actual hardware of terminals that may be purchased.

Mr. Jordan: That is correct. For example, with the introduction of the new system, there was the necessity to acquire controllers, hardware and printers associated with servicing it. They would have been borne in the cost of that supplies and equipment line. If you look at the estimates for 1985-86 in actuals, you will see that the variance is accounted for by the costs of the equipment associated with the new system.

Mr. Cousens: Is there any specialized software included in your services costs?

Mr. Jordan: There is nothing specialized, other than the payment to the vendor for the new financial information system. The software for the financial information system was purchased from an outside supplier. It was not anything we developed on a custom basis in house. We went out and bought from a supplier an accounts payable and general ledger system tailored to our requirements, which we put on the mainframe computer and are now running.

Mr. Cousens: What system was that?

Mr. Jordan: It is accounts payable and general ledger.

Mr. Cousens: Developed by whom? Is it commonly known?

Mr. Jordan: It is a company from San Francisco in the United States.

Mr. Barnes: We are using the Walker interactive fourth-generation system.

Mr. Jordan: It is one of the most sophisticated general ledger and accounts payable systems on the market today.

Mr. Cousens: Thank you. I know what it is.

Has the Provincial Auditor reviewed your data processing and computer setup within the past while? If so, has he made any comments?

Mr. Barnes: He has reviewed our income maintenance system in the past little while, and the comments on it were nothing untoward. Concerning our financial information system, I do not know the answer to that. To my knowledge, he has not. Mrs. Noble, who used to be the executive director of finance, may be able to help.

Mrs. Noble: The Provincial Auditor's staff did a review of the systems area going back to 1983, and he included some comments in his report from that time. They would be available.

Mr. Cousens: I saw those. Has there been anything since then?

Mrs. Noble: There has not been any subsequent review by the Provincial Auditor's office, no.

Mr. Cousens: He has not been back.

Mrs. Noble: He has certainly been back in the ministry, but not in the systems area. That review was done by the special projects group and was part of a review of the systems generally in all ministries, and consequently he took a look at ours. I do not know the schedule he was working on, but I think he was working at a review of all ministries in a systematic way.

Mr. Cousens: Thank you very much. I have one final question about a general time frame for the payment of cheques to eligible recipients, which falls in this general area of services or quality or speed of dispatch, an area in which we receive a number of concerns along the way that we pass on to your ministry.

Have you any way in which you are assessing your success in making speedy payments and getting them to people without their being lost? First, you have to issue the cheque, and second, you have to get it to the person who needs it. Third, it should be there within the time frame in which they want it. Fourth, you should have some way of evaluating how successful that system is. Surely that has to be one of your bigger challenges. Can you comment on this?

Mr. Barnes: While we issue the cheques centrally, we rely on our local offices to control any problems that emerge, because they tend to be local. For example, we had an issue in one town where the cheques did not reach the recipients. It turned out to be a local issue relating to the post office at that time. We managed to resolve it at that level.

We do have the day by which the cheques are meant to arrive. We find that, frankly, the most effective system for checking on all that is people coming to us regarding the arrival of the cheques,

and then we assist them if the cheque has not arrived by giving them other cheques and so on.

Obviously, for a myriad of reasons, somebody may come and say, "I do not have my cheque." He may have lost it; there may be a variety of things. On the whole, however, I believe the service is pretty good.

Mr. Cousens: Do you have any measurement of the system?

Mr. Barnes: No, I have no central measurement, from my knowledge of the system, of whether 99 per cent of the cheques arrive on a given day.

We know when we send them out. We know the date; we send them out so they can arrive by a particular time. We obviously have arrangements with the post office regarding delivery, when they are expected to be collected or delivered, whatever the case may be.

That is all done and arranged properly, to my knowledge. What we do then is to rely on people coming to us if their cheques do not arrive.

Mr. Cousens: Do you keep a statistical analysis of the number of people who complain of failure to receive their cheques on time?

Mr. Barnes: No, I do not.

Mr. Cousens: Do the offices? Are you seeing it as a problem? A number of people have raised this question with me.

Mr. Barnes: About the late arrival of cheques?

Mr. Cousens: I do not think I am alone.

Hon. Mr. Sweeney: Let me put it this way. We find that usually it happens in bunches. In one locality, in one month, we will get a couple of dozen complaints. There is no consistency to it. In other words, we could not tell you that every month a certain percentage of people get their cheques late. That does not seem to happen.

For example, on three occasions this year, just in the last 12 months, some people in Thunder Bay got their cheques late. In one month, almost everybody did. We discovered later that the post office had a processing problem in Thunder Bay. All the cheques were sent to Winnipeg to be processed and then back to Thunder Bay for distribution. They were supposed to be delivered on Friday, but as a result, they did not even get delivered on Monday. It is that kind of thing.

There was another situation in which all the cheques went from our ministry to the Ministry of Government Services, which in turn had to distribute them. Something there broke down and in one community nearly everybody did not get a cheque. That kind of thing happens. There

does not seem to be any record of the percentage of people who, on a regular basis across the whole province, get their cheques late.

With respect to sending them out—for example, the member for Port Arthur (Mr. Foulds) has discussed this with me simply because it happened in his community of Thunder Bay on three occasions. They can be sent out early enough so that they will be sure to arrive on time. People get them three or four days early.

The difficulty there is that once people have them in their hands—and keep in mind that these are people who need every cent they can get—the temptation is to cash them immediately; to use some kind of cashing service that pays at a 10 per cent discount, or something like that.

The whole system is designed so that they get the cheques on the day itself or one day in advance, but not any more than that. Most of the time, in most areas, it works, but if there is a breakdown, it usually happens in one place at one time.

Mr. Barnes: From where you may be coming, Mr. Chairman, and where I have recently been, there is a very strong case to look at other ways of making payments: direct deposits, cards, and so on. This is something we want to explore very carefully over the next number of months.

Other countries—France, for example—have made significant progress in this area. New York is now issuing cards. Some other provinces are looking at this very seriously indeed, and we want to as well. The issue is to make sure that in the process of going technological, we do not take it beyond the realms of some people being able to live and work with it, in a sense. However, I believe a strong case can be made for looking at alternatives to payment, and we want to explore those.

Mr. Cousens: We have the right man in the right job, Minister. He has read me correctly. In addition to all this, the problem is maintaining that contact with certain people. I realize that when one problem is solved, another can be created.

Mr. R. F. Johnston: There is always an assumption you have to pay out when your money goes out, which I have never bought. I always thought that was a really bad connection to make.

5:20 p.m.

Mr. Cousens: That is what we have to address. My questions are leading up to a solution in that area. We are having problems, and I do not know how it can be done differently.

There is quality equipment, and quality people are doing an important job, but as soon as a recipient misses a payment, let me tell you that not only does the ministry hear about it, we do as well.

Mr. Barnes: Of course you do.

Hon. Mr. Sweeney: The local welfare office hears about it too.

Mr. Cousens: The whole system explodes because of it. Somehow, there has to be greater urgency attached to the processing, and perhaps it is when the cheque leaves your office. The steps between that cheque being completed and its delivery within the town or community it is going to should be more closely monitored and watched over.

Mr. R. F. Johnston: There has been a model in Mississauga now since 1977, I believe.

Mr. Barnes: Yes, it was around then for direct mailing.

Mr. R. F. Johnston: It is for direct mail and direct deposit.

Mr. Barnes: Yes.

Mr. R. F. Johnston: Everybody is issued an account, as I understand it. I presume it has been monitored by the previous government and this government with respect to its effectiveness. What are your thoughts about that as a provincial system rather than the present one?

Mr. Barnes: My understanding is that it is fairly expensive to administrate. The other aspect is that it does not overcome some of the kinds of problems we have been talking about with respect to the individuals, the bank, etc. It is much better than handing him a cheque, and wondering whether he is the right person and so on.

I think there are much bigger strides to be made. One of the priorities we have given our new applied technology branch in the information systems and applied technology area is to look at this issue. We are having a major briefing in a couple of weeks on what is going on elsewhere in the world on this subject.

I look forward to a time when, as you suggested, Mr. Johnston, the passage of money and the ability to build information on that individual into a smart card or a chip and removing as many of our staff as possible from the issue of financial control and more to the area of support and helping people get back to work will be a milestone step for us. Our people can do a lot for our clients. I agree with you. The technology is there, but it is applying it in a

humane and sensitive fashion that is going to be the trick.

The Vice-Chairman: Have you had any discussion with the major chartered banks about their reluctance to cash people's family benefits allowance cheques?

Mr. Barnes: Yes. This is one of the reasons we went to the system we did in Mississauga. We had problems in a town up north, where one of the banks wanted to form a separate till for our welfare recipients.

The Vice-Chairman: Was that through the back door somewhere?

Mr. Barnes: Right off to one side; let us put it that way. Obviously, we find that unacceptable. So do our clients. We are talking to banks about that issue. On the whole, the minute we raise this at the right levels, we find them supportive of our point of view.

We clearly have problems. The wrong person may bring in the cheque. He or she cashes it, then we give the other person a cheque, he goes in to cash it, and the bank has to carry the loss if it is wrongly cashed. They are concerned about that. We have to get better at those systems in those areas. If you are mailing out 250,000 cheques, you are going to have some problems. There are better ways in which technology can overcome those problems.

Yes, we have talks with banks, and on the whole we find them supportive, but we do get occasions at the local level where it goes askew.

Hon. Mr. Sweeney: The observation you made, Mr. Chairman, is one of the reasons we are looking at direct deposit.

The Vice-Chairman: The difficulty is that if you spend all your money, you cannot keep any in the bank account. Then the bank wants to close it, which is generally the case when you have very little money to do things such as providing for your kids.

Mr. Barnes: For any direct deposit arrangement, we would have to have the support of the banks. We would have to work with them.

The Vice-Chairman: Is there anything further?

Mr. Cousens: I could go on, but I will not.

Hon. Mr. Sweeney: The member's background in the area is showing.

Mr. Barnes: I am happy for any input in this area.

The Vice-Chairman: Are you suggesting he was on family benefits but he was—

Mr. Barnes: A lot of it comes from his constituency, I can tell that.

Hon. Mr. Sweeney: No. I am suggesting he is very knowledgeable in the area of programming and systems.

Item 2 agreed to.

On item 3, supply and office services:

Mr. Cousens: I have a few questions. Has there been any study that looks at utilization of space already leased by ministry offices around the province? In other words, do you have any free space? If so, how much? What would you say is your utilization of space? Let us break it into two parts: Where is space leased outside the government, and inside, which is government-owned property?

I would be interested in knowing the number of new leases you have been contracting and what is happening in that area.

Mr. Barnes: Our space is all handled through Government Services. We operate through them. I could give you a quick answer, but our problem with space based on the people I meet is the crowding we have, as distinct from the empty space around the place. I am not conscious of our being overwhelmed with empty space.

Mr. Cousens: The view of the public is that there is empty space.

Mr. Barnes: If you know of instances, obviously we will look into them, but we work through Government Services in all our leasing and space requirements. That is government practice. We do not directly lease space ourselves. All our property is owned by Government Services and leased through that ministry.

Mr. Cousens: This is my inexperience showing through, but is it still going to be ordered by this ministry to provide for certain needs?

Mr. Barnes: We go to Government Services regularly about capital requirements relating to the buildings out of which we operate. In terms of lease, issues are more to do with, "Can you find us better premises?" than: "We have too much. Can you do something about it?" We keep in touch with Government Services about our requirements, but our requirements seem to be mostly in excess of what is available. I am talking about a ministry that is 92 per cent decentralized so we are looking at 160 odd offices around the province.

Hon. Mr. Sweeney: Whenever it is announced that the minister is going out on one of his little tours to visit some of the offices, the first comment is, "We are happy to have him come to show him what we are living in." I have visited

most of them, and I certainly have not seen many where there is any empty space.

Mr. Barnes: Did you have something in mind?

Mr. Cousens: No. I just wanted to follow it through and see whether there is anything there.

Mr. Barnes: The human resources branch in our ministry is working in space that I admire them for even considering. It is a problem.

Hon. Mr. Sweeney: There are two or three situations where we had indicated to Government Services what we thought the need was and the ministry has made certain decisions on its own, which was something less than that. We had to go back later on and prove again that the original proposal was closer to the need.

My experience has been that the immediate past Minister of Government Services watches it pretty carefully.

Mr. Barnes: We undertook a lot of decentralization, particularly in the income maintenance area, in the last number of years, and, of course, childrens' services decentralized in 1977, 1978, 1979 and 1980. There was more decentralization outside Toronto in 1981 and 1982. This was not a period of time when it was easy to get new space. So, just by moving people, we have had problems. As we have moved people out of Toronto, obviously the space has filled up behind us from other ministries and so forth. We have never been on the receiving end of much.

Mr. Cousens: The final question has to do with transfer payments pretty well ending. Is that because there is a change in emphasis or is it the end of the program? Is there a way in which we can continue some of those conservation programs?

Mr. Barnes: I cannot answer, but I am assuming that is one of the projects that was run by the Ministry of Energy around our institutions, reducing the amount of energy used in those. I am assuming we reached the end of those projects in 1985 and 1986, and they are not being repeated this year. The insulation has been done and the work has been done to the maximum extent possible.

I see people nodding their heads at the back, so I have obviously given the right answer on this occasion.

Mr. R. F. Johnston: This is the first time they have nodded.

Mr. Cousens: One final question would be about the insulation and the problems associated with that as well as the asbestos. Has that all been cleaned out?

5:30 p.m.

Hon. Mr. Sweeney: We had two situations that were brought to our attention. Frankly, we had not even known that it was there and as soon as it was brought to our attention, it was cleaned up right away.

Mr. Cousens: Do they have to bring it to your attention or do you go and find out?

Hon. Mr. Sweeney: There was an effort to go out and find them all but, as Mr. Barnes has indicated, we have so much space around that a couple were missed.

Mr. Barnes: We have regular tests made in a number of buildings. It is when we start to actually remodel or change that we suddenly discover that there is some around the pipes. Then when we start moving it we find out. We make every effort to test appropriately when we are changing. I remember we had some instances in Surrey Place not so long ago where this situation arose.

Hon. Mr. Sweeney: That was one I was referring to.

Mr. R. F. Johnston: Do you think there is asbestos right across the province?

The Vice-Chairman: I think there is asbestos everywhere.

Mr. Cousens: That is comforting. What a comforting chairman.

The Vice-Chairman: It is not comforting at all.

Mr. R. F. Johnston: It feels much more safe here.

The Vice-Chairman: This building is full of asbestos as well.

Mr. R. F. Johnston: This very room.

The Vice-Chairman: Is there anything more on item 3?

Item 3 agreed to.

On item 4, personnel services:

Mr. Cousens: I have a couple of questions, if I may. In Experience '86, it indicates approximately 550 opportunities. How many were provided last year?

Hon. Mr. Sweeney: I believe that has been transferred to the Ministry of Skills Development, has it not? That is why we do not have an item for it. We no longer fund it directly.

Mr. Barnes: Either that or we have no allocation yet. I suspect that we do not have the allocation yet. John Burkus is our new Assistant Deputy Minister of Finance and Administration.

Mr. Burkus: For the summer Experience '85, we had 539 spaces. This year, if you total it all up, there is 382 and 60, 51 and 111. Perhaps more important is the total of our summer student programs. Last year we had resources for 5,577.

Mr. Cousens: I just want to write this down. You had resources last year for—

Mr. Burkus: For 5,577 and this year we have resources for 4,060 but one ought to also consider there are several new programs initiated in the ministry that deliver a similar type of service including the employment opportunities. In addition to the students that we are talking about here, there would be other opportunities for them under other ministry programs.

Mr. Cousens: I would like to have some enlightenment on what you just said. Last year we had 5,577 within the Ministry of Community and Social Services and this year it is 4,060 plus some others.

Mr. Burkus: That is right.

Mr. Cousens: Will they be doing jobs within this ministry?

Mr. Burkus: Some of them are within this ministry and for others we provide funds to our transfer payment agencies for them to go out and hire summer students.

Mr. Cousens: Is that in addition to the 4,060?

Mr. Burkus: Yes.

Mr. Cousens: How many would you estimate that would include?

Mr. Burkus: I do not know the figure offhand.

Mr. Barnes: I could get you an estimate on that, Mr. Cousens.

Mr. Cousens: It is an important area, for youth employment and learning experience. Certainly, in one area, there are many young people coming through the educational systems now looking for an experience within the social service field. Traditionally it has been an important opportunity.

Mr. Barnes: One thing we are trying to do in our employment opportunity programs is provide more than just a job for the summer. We have programs relating to—and we will come to this later—the children of welfare recipients.

Mr. Cousens: I am totally supportive of that. You can separate this one off because it was triggered by the 550 figure on the page. I would like to have a further explanation of the numbers of opportunities that are being funded through the ministry to different agencies. As well, those others that are being provided by the Ministry of

Skills Development would overlap into this ministry so we can see what the totals are. The next question that comes from that is, what wage are you talking about for most of them? What percentage are at the minimum wage? Is it \$4.50 an hour this year?

Mr. Barnes: It has just gone up to \$4.35, or in October is going up to \$4.35.

Mr. Cousens: I was not sure. What percentage of these jobs would be at that hourly rate?

Mr. Barnes: I doubt I can do a complete review, but I can give some examples. In the Futures program, a significant percentage of people going to work in that program are social assistance recipients. We have job employment programs versus the Canadian job strategy initiatives versus federal jobs. Obviously, we and the municipalities try to utilize every possible program we can lay our hands on to get social assistance recipients back to work. We can give you figures on the programs we control and any information we have elsewhere. I am not sure how accurate or up to date the figures will be in other areas. I am doubtful we can give you much information on the wages, but they are not all minimum wage by any means.

Mr. R. F. Johnston: Of the jobs from 5,500 or 4,000, is this 1,500 plus jobs in terms of the ones that are in the line item that has been talked about? Does any of this reflect what the federal government has recently done to the social services network in terms of its program all going to the private sector? I sent across to the minister the terrible predicament a lot of the agencies in my area now are feeling as it puts on a limit and sends its money to projects within private industry rather than supporting additional social services programs. If you do not provide a large increase in numbers, then I presume all those agencies, such as the West Scarborough Neighbourhood Community Centre or the Sacred Heart Children's Village, are going to suffer dramatically this summer from a lack of staff.

Hon. Mr. Sweeney: Right off the top, Mr. Johnston, we do not have the same priority as the federal government with respect to trying to create more jobs in the private sector rather than in the social part of the public sector. We do not share that with them. That is a very deliberate goal of the federal government; there is no question about it.

Mr. R. F. Johnston: Absolutely, and it is basically screwing the agencies in my riding.

Hon. Mr. Sweeney: As to the extent that we are going to make up the difference, I doubt it personally, but I do not have the figures.

Mr. Barnes: We are doing a little work on the program we have by which we fund agencies to recruit staff. It is turning out to be a very successful program. In terms of the actual breakoff of figures, it is difficult to estimate, but the federal programs are having an impact on some of our own employment opportunities programs; there is no question about it. It is less in this area, in this line item, but in the ongoing type of situations, there is no question about it. I will get the actual figures for you.

Mr. G. I. Miller: Are these jobs provided through the local offices, employment opportunities, and through the local agencies?

Mr. Barnes: There are a variety of jobs. In one instance, we provide funding to social service agencies to recruit a social assistance recipient. We will pay the wage for the first year. We will perhaps reach an agreement on the second year and then it is up to them to employ the person from the third year on. This is in the very early stages, but the retention rates in some areas look quite good as we look at the buildup of this.

Mr. G. I. Miller: Is this above the number that has been indicated?

Mr. Barnes: It is quite separate from the particular number we are talking about here. These are the people we employ ourselves. We have some programs that we fund under summer Experience, but I am talking about other jobs.

Mr. G. I. Miller: Do you have the number?

Mr. Barnes: No, but I will have the number before we break.

Mr. Cousens: This does not tie just into summer employment opportunities. If students now are on different kinds of work terms, it becomes another way in which we involve young people within the field. Is there any number for students who are hired during the year, rather than taking the summer as an isolated instance?

Mr. Barnes: In our agencies and so on?

Mr. Cousens: And through the ministry itself. There are the co-operative students or others whose terms end in January and they are doing something else.

Mr. Barnes: We have social service co-operative students working in our offices under an arrangement with the Ministry of Colleges and Universities.

Mr. R. F. Johnston: Not the high schools.
5:40 p.m.

Mr. Barnes: No. I was in the Peterborough office and it had two co-operative students working on one of the employment programs.

Mr. Burkus: We have 102 university co-op students working with us in the ministry at the moment.

Mr. Cousens: Is that higher or lower compared to other years?

Mr. Burkus: It is about the same as we had last year.

Mr. Cousens: Do these students have an opportunity to be considered for employment with the ministry following a term or two with us?

Mr. Burkus: Yes, they do. There is an additional program that is not part of this list. While the numbers are not large, it is developing. That is an apprenticeship program where we have in the order of 12 to 15 students—I cannot remember the exact figure—whom we get free for one year. They get paid more than the minimum wage. The balance of the cost is picked up externally to our ministry. In the second year, we pay part of their salary. The intent is that they will stay on as permanent staff. This is a very important group. They are in professional areas such as accounting, finance and commerce. That is relatively new. We think it will work out quite well in giving people a first step to a permanent job.

Mr. Barnes: One of the problems we have been worried about in the government generally, in terms of the civil service, has been the ageing population. We have not had enough direct entry staff.

Mr. R. F. Johnston: It is amazing what a long-term hiring freeze will do.

Mr. Barnes: One area where we are more fortunate than some other ministries is that we have a fair number of direct care, probation, aftercare and welfare staff where we have the opportunity to bring people in. That gives us a fair amount of new blood, although not as much as we would like in terms of the corporate area.

Mr. Cousens: When you analyse the numbers, I would appreciate it if you could include a section for the time of year not commonly thought about, which is wintertime.

Mr. Barnes: Yes.

Mr. Cousens: We have had other forms of Experience programs in the past during the wintertime that could serve a number of those looking for jobs.

Mr. R. F. Johnston: How do we get an idea of the numbers in the agencies? This is not in this line item; it comes in a later group, but how do we get an idea how the agencies across the province

are suffering this summer? In my own area, Sacred Heart Children's Village is actually contemplating not running its camp.

Mr. Barnes: Is it because it cannot get enough students?

Mr. R. F. Johnston: It is primarily because of the collapse in federal dollars.

The West Scarborough Neighbourhood Community Centre is going from a projected staff of 23 students, which it had for its program last year, down to seven this year. Most of it is because your money is staying, whereas federal money is disappearing. Agencies are calling in about this whole problem, saying, "How can we do the outreach programs planned for this summer that we traditionally do if we can no longer rely on federal grants?" I do not know how we get hold of these figure but I would sure like to. This is where the serious problem is. It is not from any withdrawal of assistance here, at least not according to the rest of the budget as I look through it.

Mr. Barnes: Can we undertake to ask around a little on that? We will not have answers within the next week, but we will find out whether there has been an impact on our agencies. We can do that quite easily.

The Vice-Chairman: While you are asking, you might want to call Roger Hollander at 519 Church Street, who is the head of a coalition of agencies that were in the habit of getting federal funding for this kind of outreach program. He will have some sense of the Metro picture.

Mr. Barnes: Okay.

Mr. Cousens: Has this ministry done anything to look at the guidelines for some of the job opportunity programs of the government that limit the age of those being assisted to 25 years and younger? An increasing number of students in the social policy field have gone back to school and become students at between 25 and 30 years of age. They cannot qualify for any of the programs our government is supposedly laying out to help them. I think they are being discriminated against at that very young age of between 25 and 30. Is anything being done to look at that age group and what can be done to assist them?

Mr. Barnes: I am not conscious of anything specific that is being done on that. One of the things we have been reacting to in summer employment programs for the children of social assistance recipients has been the level of unemployment in the 16- to 24-year-old age range, which has been significantly higher than

other ranges. I agree it is probably impacting at 25 years of age. It depends how you interface it.

Mr. Cousens: I think it affects this ministry more than many others. As the population matures, they say, "I want to get into this field," which would relate to the Ministry of Community and Social Services.

Mr. G. I. Miller: Why should age enter into it at all? If somebody wants to retrain, why should there be a problem?

Mr. Barnes: There have been some attempts to focus some of these programs. There is a high unemployment problem among those who are 16 to 24 years old. There are sole-support mothers. It is part of the idea of focusing. It has its drawbacks, as you have suggested.

Hon. Mr. Sweeney: There are two different kinds of references. One is our ministry offering job opportunities generally speaking. I think that is mostly what Mr. Cousens is referring to. On the other hand, a priority with us is to provide opportunities for our income recipients to get training opportunities. We do that within our own ministry and within the agencies of our ministry, and we negotiate with the federal government through its various training programs to get a fair share of it. We spend more of our energy and resources in helping our own clients get the opportunities. In that, there are no age restrictions at all, whether they are the children of our family benefits recipients, single mothers, the unemployed or the disabled. That is where we are spending a lot of our time and energy as opposed, if I understand Mr. Cousens' questions, to creating job opportunities within our ministry for the general population. It is not that we do not do it, but it is not our major direction.

Mr. Cousens: There is a need and it is becoming more legitimized by the number of people who are cut off. If I may make a suggestion, perhaps there could be some appeal mechanism for those who are not within the assigned age range so they can have an appeal if it is legitimate. Also, perhaps you could just broaden it.

Hon. Mr. Sweeney: The other thing that is bound to happen is that the 16- to 24-year-old age group has been a target for the past seven or eight years. I suspect one of these days somebody will wake up to the fact that this target group has moved along and we will probably be looking at the 24- to 34-year-old age group as the next target group.

Mr. Cousens: I have a final question on this item. How many contract employees are there in the ministry and what is the range of the terms of contracts? I think that is all delineated by the Ministry of Government Services.

Mr. Barnes: It is delineated in our Manual of Administration on contract employees. I have the number of employees somewhere; I cannot remember whether I have the contract employees. While I am looking for that, we do have complete comparative figures on all our transfer payment, ongoing job programs comparing 1984-85, 1985-86 estimated actuals and 1986-87. I will let you have those figures. I do not have the summer Experience figures, but we will get them and let you have them tomorrow.

Mr. Cousens: I am as interested in the number of people who get jobs as I am in that number.

Mr. Barnes: Okay.

Mr. Burkus: I have some information on the number of unclassified staff. As of May 31, the figure I have is a total of 1,839 in the ministry.

Mr. Cousens: Is that out of 11,000?

Mr. Burkus: That is out of a total staff of 11,045.

Mr. Cousens: How do those numbers compare with the previous year?

Mr. Burkus: I do not have that information with me.

Hon. Mr. Sweeney: Do you have any sense whether it is greater?

Mr. Burkus: I do not think there will be a great deal of variation from year to year on this.
5:50 p.m.

Hon. Mr. Sweeney: We had to be conscious that a number of facilities operated by this ministry were wound down. We have a responsibility to be sure that the classified employees who worked in those facilities have an opportunity at another job some place. Consequently, a number of people were hired as unclassified staff, and I do not know what the number was, to be sure that the classified people would have the option of moving. There was a little cushion there. When those people were hired, they were clearly told that this was the reason, that it might be for one year, that it might be for 18 months, but that if we did not need to move someone else into it they would be classified as well.

There are places now where people were hired as unclassified and where we will not have to move someone else in, so they have been told they are going to be classified. There has been a special little circumstance going on for the past

three or four years that we have to find ways of dealing with. That does not account for 1,800. I do not know how many it would account for, but it is one little factor.

Mr. Cousens: It is an important factor.

Hon. Mr. Sweeney: It was a responsibility to our long-term employees.

Mr. Cousens: Absolutely. That begs the next question. Is it proceeding satisfactorily? It is such a large ministry that you have to watch that these people do not fall through the cracks. It is not their fault that their jobs change.

Hon. Mr. Sweeney: The rate of retention is very high. The only place where there were a number of people, and I think it was 25 per cent, who were temporarily out of a job, was at Bluewater. Part of the reason was that the Ministry of Correctional Services said it was going to take that facility over and it would have to hire all that staff, so in a relatively short period of time they transferred from our ministry to Correctional Services and got jobs there. That was about the only one of the four, now going on five, where a significant number of people for a short period of time did not get an immediate transfer to another job. That has since been resolved. The percentage is very high. I am guessing 90 per cent; it is somewhere in that ballpark. We have the figures if you want them. For each facility, we can tell you exactly where everybody went.

Mr. Cousens: That would be interesting.

Hon. Mr. Sweeney: We have those figures.

Mr. Barnes: There is no question we have less staff than we had last year. I guess that over the past four years the number of staff has been reduced by close to 1,000.

The Vice-Chairman: If there is nothing further on item 4, I am going to stand it down until Mr. Johnston is here.

On item 5, information services:

Mr. Cousens: I have a few questions on this. We have seen salaries and wages show some increase. This ties into an earlier question about how many people have been hired and what the average wage of those people is.

Hon. Mr. Sweeney: Can I make an observation, Mr. Cousens, that you did not raise? I do not know whether it is contained in your question. This ministry spends very little money on what I would call advertising. Our total budget is about \$300,000. It is not very big. When we talk of information services, it is not that kind of service.

Mr. Cousens: I know that.

Mr. Barnes: That was relative to what you asked earlier.

Mr. Cousens: It ties into that but more detail comes out in this item. Of the people who were hired, how many new hired did you bring into information services this year to take the actual up to the estimates of about \$150,000? Are they on contract or are they paid part-time?

Mr. Barnes: I think most are full-time staff.

Mrs. Noble: Perhaps you will note that in terms of the salary in the particular vote, the change is essentially from \$736,000 in last year's estimates to \$813,000 in this year's. The difference in terms of the dollar amount is essentially the salary component applied to the salaries and wages for that vote.

In regard to the hiring the deputy was referring to, I believe that, as noted by the actuals here, there have been some vacancies in the area that have gone unfilled. In terms of the need to improve the turnaround on the letters, there was a movement to make sure that the full staffing was in effect in this area.

Mr. Barnes: Michelle is right. I require that vacancies currently existing on the communications side be transferred to the program information side—no doubt I will be reminded of that at some time—so that we would not be increasing in that area. I had forgotten that.

Mrs. Noble: That staffing dollar increase essentially has been just a salary award in addition to last year's estimated figures. As for the increase in the \$680,000 to the \$813,000, the \$680,000 reflects that the vacancies were unfilled for a period of time during last year.

Mr. Barnes: The advertising element is almost nonexistent in our ministry. We advertise on foster care and very little else. What we do spend a lot of time doing is producing brochures and pamphlets. We are responsible for a lot of brochures, a lot of pamphlets on child abuse, family violence, that sort of thing, which we try to keep up to date and produce each year. I would guess that most of the communications work, a significant portion of it, takes place in that area.

Mr. Cousens: Do you have a breakdown on how you spend that communications budget for children's services, elderly services, the disabled and family services?

Mr. Barnes: Yes, I will let you have that.

Mr. Cousens: It is at the end of the six main areas that you have.

Mr. Barnes: I am talking of salaries now. Some of it is spent out of the program administration area, some of it is in the budget of communications, so that we have a balance. I will let you have those figures.

The Vice-Chairman: Mr. Miller, is your question supplementary to that?

Mr. G. I. Miller: Yes, it is. It is in regard to information. It was brought to our attention in our riding that we have been trying to get improved facilities for mental health services. What programs are available for people with that type of a problem? There seems to be a breakdown in communications on what is available.

The Ministry of Education has a responsibility for providing some of those services and hospitals have a responsibility for providing some of those services, but to co-ordinate it and make people aware of where they can get information is a problem. There is a shortage of people providing it. I noticed the objective here is to provide some information to ensure that the public is aware. I think this ministry has a responsibility to provide facilities, people and expertise in rural Ontario as is done in urban area.

In London we have a facility for testing young people. We also have that in Hamilton, but in Haldimand-Norfolk we do not. There is a lot of pressure, saying that we have been neglected. We have been in touch with both the Ministry of Health and your ministry to make them aware of that. There is a role to be played in co-ordinating it, perhaps through this ministry. I do not know what your views might be on it.

Hon. Mr. Sweeney: In terms of what is actually available, there is an area office that serves your region. It would be the first one that could indicate to you what service is available in your region.

The second line would be contacting the agencies that are providing service. In your area there is the centralized agency for children's mental health. That is an umbrella organization that can lock into several different services.

There is no doubt about it that there is a shortage of service in every area of the province. Part of the difficulty in some of the more rural areas is simply settling the service there as opposed to having children go to Hamilton or London. I remind you that we both had the opportunity to visit the mental health centre in Townsend.

Mr. G. I. Miller: Right.

6 p.m.

Hon. Mr. Sweeney: For what can be referred to as a rural area, that is a good overall service. Having an umbrella service makes sense in that kind of a community. Your area is similar to others in terms of being short. It is true, there is not enough. But the same thing is true in Toronto, in London, in Windsor. As to what information is available, you can speak to the local area office or to the local agency. They can tell you more quickly than we can at our centralized office.

Mr. Barnes: Our local area office should be able to provide an individual with information. Of course, individuals need to know that they can go there and get that information. I am not sure we do enough of that. I think that is a fair comment.

Mr. G. I. Miller: That was the point I was making.

Mr. Cousens: The ministry has moved to a decentralized system of operation with regional directors and yet I sense it has centralized information services. How does this correlate?

Mr. Barnes: Let me distinguish program information. We require our program people to be directly involved in supplying information on programs because they are the people we know. In terms of broader aspects of communications and so on, we are looking currently at the sense and sensibility of putting an information officer in each of the regions. We are looking at the possibility of putting a legal officer in each of the regions. We are trying to cost that out to see if we can get benefits from it.

We have decentralized personnel. We have decentralized finance. We have decentralized the classic areas. We have a plan which will have us putting a technology officer in terms of use, software, personal computers, the best use of local area networking in each of the regions. Our decentralization is at a point whereby we have decentralized the obvious. We have decentralized the financial and the personnel areas very effectively. I think some of the more comparatively esoteric areas are worth looking at at this stage. There is a case to be made there.

Mr. Cousens: Your answer parallels my own thinking. You cannot really have the kind of decentralized system you are talking about without likewise having a decentralized information system which also has certain head office control points. You then build in a commonality of purpose throughout the ministry and, with it, a chance for you and the minister to know more precisely what is going on.

Mr. Barnes: I am very sympathetic to what you are saying. What we do not want to do, obviously, is build up a series of mini-Queen's Parks. We want a balance.

Mr. Cousens: You are into that now. In fact, if your answer to the question had a time frame to it, it would make me somewhat happier rather than just a general statement of intent.

Mr. Barnes: When I say intent I am looking at it in terms of cost-effectiveness and the allocation of dollars around people. Can we take people out of head office? We may be able to find some dollars in information. In legal services it may be more difficult, given the very significant increases of work load in that area. Is that a priority in terms of where we put our dollars or is it not? Those are the considerations. We will have arrived at an answer in the next three or four months and we will have taken a decision by then.

Mr. Cousens: Do you see the inconsistency of the two right now?

Mr. Barnes: I understand exactly what you are saying. I would ideally like to have the dollars to do all of that. I see no reason we should not achieve something in the information area if it is justified.

One of the advantages of the program information area is that with the facts and with the technology that we have, we are being pretty effective at transmitting backwards and forwards. We do need to get directly to the field, so there might be a question as to whether we go via regional offices, but on other levels of information, marketing the ministry, making sure the brochures get to the right places, making sure that local organizations help us in transmitting knowledge about where to go, just as Mr. Miller has indicated, I think there is a big job to be done. It can be justified on that basis; It is dollars.

Mr. Cousens: It could also be justified on the basis that you might have different regions doing the same thing differently, and without having a common systems approach you are encouraging them to develop programs or directions and guidelines that are inconsistent with what the ministry might want.

Mr. Barnes: This is always a challenge with decentralization, obviously. We try to ride a fine line between recognizing the differing needs of the north from Metro Toronto, and recognizing the management capabilities of different regional directors and area managers but, at the same time, trying to ensure consistency in the policy that is implemented and consistency in the level

of delivery we achieve. We do not have as much control information in that area as we would like to have. It sometimes makes us too controlling in some areas.

At the same time, you are quite right that we have to look for those areas of consistency and it needs to be done. I would not dispute that at all.

Hon. Mr. Sweeney: At the same time, and the deputy touched on it, there are certain kinds of service delivery which are tied in with information that are appropriate to areas. I need not tell you that the kinds of services for seniors in downtown Metro Toronto is very different from some of the more sparsely populated areas in northeast and northwest Ontario. Therefore, one of the reasons for the decentralization is to recognize that people in local communities have a better sense of how to meet those needs. There are times when uniformity is not the best way to go, using information from that sense of service delivery.

Mr. Cousens: You interpreted that as what I said. That is not what I said. There are certain things that should be happening when you move to a decentralized system. They are opposed right now. Your systems are not integrated to the organizational chart you have, if what I hear is correct.

Mr. Barnes: That is a little crueller than I would want it to be. With respect to the financial system, that is fully integrated. With regard to our income maintenance system, it is fully integrated. At a systems level, we have a lot of integration going on. At an information systems level, we have integration with respect to the requirements of head office. I am not sure that we have sufficient integration of program management information to enable us to use, as effectively as we would like to, the area-head office linkage. That requires work and it is a challenge which faces us. I believe you are addressing it at that level and I agree with you.

Mr. Cousens: Are there any tenders coming out from your ministry this year for new systems or new programs?

Mr. Barnes: Yes. If we get approval from Management Board, we will be looking at some tenders for equipment, increased numbers of personal computers related to local area networking and related to an improvement in our whole program information area, which is part of a five-year plan that we have just completed and put put to Management Board for approval. We have an information technology strategic plan

now completed in our ministry and it is a good one.

Mr. Cousens: Is that a public document?

Mr. Barnes: Not yet. It has to go for approval. I would be happy to get your technological view of it at any time you would like to look at it.

Mr. Cousens: I do not have much technical background.

Mr. Barnes: No, it is a management document. It is a good plan and I would be happy for you to have a look at it. It is just a question of the extent to which we can get approval of it. The principles it espouses, the concepts of building up from the bottom and utilizing information that agency boards require is a good one. Our problem is that we have 1,800 agencies. It is not just the ministry. That is not nearly such a problem as trying to get consistent information from the 1,800 agencies, which vary from \$40-million agencies down to a few hundred thousand dollar agencies, and persuading some of them of the importance of management information, weaning some of them off the systems they have put in and trying to get them to use compatible systems with this sort of information. It is a major task that we are currently undertaking.

Current technology on systems is such that we can actually build up from their needs to an overall system, rather than imposing a very complicated architecture on them. The technology has changed enough for us to do that. I have a lot of hopes in this new approach.

Hon. Mr. Sweeney: One of the things that the agencies often say when we talk to them individually is that if we are going to put a system in, it has to be perceived by them as meeting their needs as opposed to just our needs.

Mr. Barnes: That is very true.

Hon. Mr. Sweeney: As Peter said, we have to talk to them to be sure we understand what kind of information they need and in what form they need it, and how we can dovetail our needs so that we both end up with the same kinds of information. We have even talked about having a common disc with information on it so that when we need reporting on a monthly basis or on a quarterly basis—and this will not happen tomorrow—instead of them having to fill out a new report, they will just send us a copy of their disc and we can run it through, because their information collection and data collection will be the same as ours. We can read their information, in other words. That would save an awful lot of time for both of us.

Mr. Barnes: We look to a day when we can put our agencies on line where they can pick up comparative data and where they can use models based on our systems. The day we can offer them that, they will be fighting to get on to our systems.

Mr. Cousens: That is for sure. You have to offer something like that.

Mr. Barnes: Exactly.

6:10 p.m.

Hon. Mr. Sweeney: If they can compare what similar agencies are doing, they will often say: "How about that children's aid society or that children's mental health centre? Are they doing the same kinds of things we are doing?" If, from a single data collection system, you can make those kinds of comparisons without breaching confidentiality, it is to their advantage.

Mr. Cousens: One further question. You have a number of projects under way in the whole information services department. Are they all on time or do you have any that are behind time? If any are behind time, how far behind are they?

Mr. Barnes: Are you talking about the whole systems area?

Mr. Cousens: Yes.

Mr. Barnes: The major project is CIMS, the comprehensive income maintenance system. In terms of our hopes, it is further behind than we would like it to be. In terms of where it is at now, we intend to move CIMS beyond the original projects on the family benefit allowance within the ministry area in September and we are now confident that we can move CIMS beyond the two municipal projects in St. Catharines and Algoma in April. I have given an undertaking to all the municipalities—and I gave that answer the other week—that we will not extend the comprehensive income maintenance system to other municipalities until we have satisfied ourselves that it is working and any of the significant bugs are ironed out—it is too big a system to pretend that all, for ever, will be ironed out—and that we get a sign-off from the municipalities that they are satisfied that system is working adequately and effectively.

It is a good system. It is a comprehensive system. It makes the networking we require possible. It does enable us to get information directly without permanently memoing each other backwards and forwards. It is, however, a system which started developing five, six or seven years ago and it is based on the old, highly complicated architecture coming down. That is the system we have. It works well. It would have

been nicer to have started it this year and built it up. That is what we have. With respect to timing and the targets that we have put on it in the last six months, I am satisfied we will achieve those now.

For the other systems we are working with, I am not conscious of any others being behind time. That is and has been taking a significant portion of our time. The family income security plan system has come along pretty well with respect to time, but that one has been taking a long time.

Hon. Mr. Sweeney: The individual office networking system seem to be working quite well. Where one office is able to learn new things from the process, it is immediately channelled into another office. From the number I have seen, they are working quite well.

The Vice-Chairman: Anything further on item 5? We will hold down the vote on item 5, too. We will move to item 6, legal services.

While members are getting warmed up on this one, you are not hiring any lawyers at the salary and wages level indicated?

Hon. Mr. Sweeney: Not bloody likely.

The Vice-Chairman: Do members have questions or concerns? No? Fine. We will move to item 7.

On item 7, audit services:

Mr. Cousens: I am surprised at how large a department this is within the ministry, related to other things. I am interested in knowing how closely the deputy monitors their reviews and what are the top three areas in which you get involved with follow-up from the audit report.

Mr. Barnes: All audit reports come to me. We have what we call an executive committee in the ministry which sits on a weekly basis. It consists of the assistant deputy ministers and myself. Every quarter, it automatically becomes an audit committee. We have a quarterly report from the auditor, the director of the branch on issues. He will also bring to my attention and the assistant deputy ministers' attention any issues arising.

In terms of its size, it is not that big. In terms of the amount of work we have to do, it is \$3 billion; \$1 billion through transfer payment agencies, about 1,800 of them not including municipalities. This is a huge job. If you were to ask me my major concerns, I would guess it is ensuring the effective expenditure of money by the middle to small agencies we manage and ensuring that we get the right sort of results out of them. That is always an ongoing concern. It is ensuring that our audit branch is capable of doing more than

just financial auditing. We are looking at comprehensive auditing. We have our operational reviews tied into the audit branch now and it is trying to learn the lessons they can learn as comparative outsiders, looking at what we are doing, coming back at us to tell us what it means in more than just the difference between this dollar level and that dollar level.

In terms of technology, we are very concerned that our systems are able to be audited and do have audit trails.

In terms of programs, I am not sure I can single out any particular program as being more or less of a problem in that sense. On the whole we find that our agencies operate with fiscal responsibility. We are concerned about information. We are concerned about levels of individual control, which varies enormously from agency to agency.

On the whole, I believe we have had fairly good marks from the Provincial Auditor. I hesitate to say that too loudly just in case he decides to have a closer look at us and finds something wrong, but I feel reasonably good about the financial side of our operations. The consistency of program delivery is an issue we have to worry about.

Hon. Mr. Sweeney: Mr. Cousens, if there is one ministry of government where the public wants some assurance that dollars are being allocated wisely, it is this ministry. Some members of the public have a sense that we sort of hand money out willy nilly without any assurance that it is meeting a particular goal. Therefore it is perhaps more incumbent upon us, I would say, more so than the Ministry of Education, which is the next largest ministry of government, to account for our expenditures. There is that perception out there.

The other thing we have to be careful about is with 1,800 agencies there is that inevitable human reaction of, "You are giving somebody more than you are giving us" on some sort of a per capita basis or per service basis. We have to be able to point out pretty clearly that there is a sense of fair treatment everywhere, whether it is among agencies or among geographical areas. When you say it is a lot of money it simply has to be done. We are expected to do it and if we were not able to respond with those kinds of answers we would be open to tremendous criticism. It would do the very thing you had said yourself earlier, that we have to be careful of, give this false impression that all we do is write cheques. This ministry is much more than that.

Mr. Barnes: Ideally, the auditor wants to get around to our agency every three years. We have

extended that to five years now because of the time taken, the staff we have and the exigencies that are required of us.

If I might, there is one other level which I think is important in this area and that is looking to the future. It is a broader area but we are running up against the Charter of Rights in a number of areas where we categorize and look very closely at why we give money to people. The charter is reducing our ability to do that very significantly in terms of our right to go to people and ask them questions and expect things of them. We are going to have to make some fairly important philosophical decisions around the balance of people's rights and the right to pursue the public dollar. It is going to be interesting over the next four or five years in this area. It is going to have quite an important role to play from on the one hand, the responsibility around fiscal expenditure, and on the other hand, the rights of the individual and how you balance those two.

Hon. Mr. Sweeney: We even have the courts telling us, "You have to bring in more information to support your case, but you cannot invade somebody's privacy." Some of our legal people said: "You cannot do both. If you have to get more information, you have to have a way of getting it." This is the dilemma about which Peter speaks. We are asking ourselves how we do both at the same time.

6:20 p.m.

Mr. Cousens: I would be interested in seeking a statistical breakout of the kinds of abuses you monitor within the different areas of the ministry and to do a comparison between those abuses in the year that we are in now, where we have increased employment and increased prosperity, and yet there are others who are not getting off the rolls and other things, and a year or two previously. Obviously the audit would encompass some of those situations. I would be interested in knowing how those numbers compare where you have abuses being determined now compared to a year before and two years.

Mr. Barnes: One of the reasons I did not say income maintenance when I was responding to the specific worries around it is we do have our own built-in audit in our income maintenance. We have eligibility review officers, whose job it is to check—

Mr. Cousens: They are not a part of that group?

Mr. Barnes: No, they are separate, and they are right out in the field doing regular spot checks of payments made, and the actual eligibility of

individuals. That is one of the areas where we are going to run into the Charter of Rights.

Mr. Cousens: I quite understand that.

Mr. Barnes: We do have good figures on how many people we take off and the number of abuses we find. I can let you have those very easily.

Mr. Cousens: Are those certain statistics that you have within the general audit services that would be primarily looking at agencies?

Mr. Barnes: That is right. In terms of our agencies, we are looking more in terms of ability to manage.

Mr. Cousens: Have you had any court cases as a result of your audits?

Mr. Barnes: Not in the last nine months. Whether we have had any prior to that, I just do not know.

Mr. Cousens: I will lead to the next question. If there has been abuse or fraud or some form of action that has been determined through the audit, are you following it through with strict enforcement?

Mr. Barnes: Mrs. Noble might well answer that.

Mrs. Noble: I think there is an important distinction to be drawn here between the audit services' activity we are looking at currently, within the audit staff of the ministry who do the audits of the programs in terms of how the programs are being managed and, as the deputy has mentioned, the eligibility review staff and the staff in the offices who are monitoring and following up in terms of the family benefits program.

I do not have the statistics in terms of the pursuit through the courts with respect to family benefits infringement, but we can certainly obtain those for you when we come back to the vote. There have been cases there, and certainly there is specialized staff in the area office. We also work with the Ontario Provincial Police when it is determined that there is a fraudulent situation, and then it follows from there to the courts. We certainly would have statistics on that, but it is not the group financed through the audit services who are responsible for that, it is the program administration people, the eligibility review officers, etc.

Mr. Cousens: It opens up a huge area, and I confuse the two in my own thinking.

Mr. Barnes: I confused the two in my answer.

Mr. Cousens: I see it as something where there is no use having an audit and there is no use

having an inspection if you are not going to follow it through with some teeth in the areas in which you are able to see it is incomplete, incorrect or illegal. I would be interested in knowing those cases that are identified and followed up. I guess, to me, it is a matter of just good business operation.

Mr. Barnes: I agree. As Mrs. Noble has said, in the family benefits area and the income maintenance area, we do follow up. There are teeth. There are cases where it is appropriate. In the audit services area, it is much more of a program review and how can we help a board manage its operation better than it is doing now. If we come across any defalcations in the course of the audit, we would inform the board of that and pursue it through. It is much more of a management, how can we help this agency manage its affairs more effectively, type of audit though we do pursue the compliance as well. We have not forgotten that.

The income maintenance area is looking for fraud, there is no question of that.

Mr. Cousens: I would appreciate that input in writing in case I miss raising it later.

Mr. Barnes: Okay. We will let you have that.

Mr. Cousens: I am sure that my comrade-in-arms would be interested in that as well. I guess if you are doing an audit on the delivery of services, then you are also saying you have done a satisfactory job or an unsatisfactory job and there would be a certain matter of withholding future funding for those agencies that were not doing their job. Are there any identifiable numbers for that?

Mr. Barnes: I would be reluctant to withhold funding. I would want to see changes in management and how they manage.

Mr. Cousens: The ultimate, I guess is to withhold funding.

Mr. Barnes: Yes, that is the ultimate, but we still have a bunch of clients at the other end. I guess the ultimate, rather than withholding funding, would be to take them over, as we have done on one or two occasions. We do that with great reluctance because we do have to get that service to the clients and if that is the only agency in that geographical area, we do not close them down or withhold the dollars because the client then suffers. What we have to do is work with the board to change the management.

Mr. Cousens: Are there any particular agencies that you audit more carefully than others?

Mr. Barnes: There will be agencies of which our area officers will say to us: "We are concerned. Please have a good, close look."

Mr. Cousens: Can you type them?

Mr. Barnes: We allot 25 per cent of our time for that sort of exercise. To type them, I think would be invidious at this moment. We have them identified, and we want to check and make sure our areas are not imagining there is something to pursue. If we can quietly work with them to improve their management style, that is so much better than having a ding-dong fight in the local paper. We try to work with them. That really is our function. We like to have an agency board accountable for delivering a good service, and if we can get that board committed to managing well, we have a much better relationship with them and actually get a better delivery of service so we try to work it through with them. That was the whole concept of our operational reviews with children's aid societies.

Mr. Cousens: Do not see me as not wanting that by asking the question. I guess there are certain circumstances where people are proud they have not had to listen that closely and they do make the mistake of bragging about it outside the ministry.

Mr. Barnes: No. I know.

Mr. Cousens: I find that rather offensive.

Mr. Barnes: I do too, but I am not going to be dragged into it because we will work them around. We are working very closely with some of the obvious ones that do see themselves as, I guess, almost in conflict with the ministry in some instances. They think their job is just to get dollars out and not to give us information. Traditionally, some of them have seen their role as that. We are working that through the system, and I think they are becoming a very significant minority today.

Mr. Cousens: Are you prepared to take strong action with them?

Mr. Barnes: Oh, yes. As I say, where I have a problem like that, I would rather sit down, with the region and the area, with that board and tackle it, get it out, sort it out and deal with it. I have found that a lot of the problems we have with agencies stem more from the lack of communication than from an unwillingness to work.

The Vice-Chairman: Mr. Cousens, I will interrupt this fascinating discussion to adjourn the meeting until tomorrow.

The committee adjourned at 6:28 p.m.

CONTENTS

Monday, June 23, 1986

Ministry administration program:	S-395
Main office	S-395
Financial services	S-407
Supply and office services	S-411
Personnel services	S-412
Information services	S-416
Audit services	S-420
Adjournment	S-422

SPEAKERS IN THIS ISSUE

Cousens, W. D. (York Centre PC)

Johnston, R. F., Chairman (Scarborough West NDP)

Miller, G. I. (Haldimand-Norfolk L)

Reville, D., Vice-Chairman (Riverdale NDP)

Witnesses:

From the Ministry of Community and Social Services:

Sweeney, Hon. J., Minister of Community and Social Services (Kitchener-Wilmot L)

Barnes, P. H., Deputy Minister

Jordan, M., Director, Financial Planning and Corporate Analysis

Noble, M. M., Assistant Deputy Minister, Family Services and Income

Maintenance Division

Burkus, J., Assistant Deputy Minister, Finance and Administration Division

Bundock, L., Manager, Program Information



No. S-18

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development

Estimates, Ministry of Community and Social Services

Second Session, 33rd Parliament

Tuesday, June 24, 1986

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON DEVELOPMENT

Tuesday, June 24, 1986

The committee met at 4:07 p.m. in room 228.

ESTIMATES, MINISTRY OF COMMUNITY AND SOCIAL SERVICES (continued)

Mr. Chairman: We are dealing with the estimates of the Ministry of Community and Social Services. The vice-chairman will be returning shortly. He is being scrummed at present. In the meantime, I will take us through a few of the votes that were stood down and then call on Dr. Burke from the Social Assistance Review Board. We set that up as an order of the day, as it were, last week.

On vote 2901, ministry administration program:

Item 4 agreed to.

On item 5, information services:

Mr. Cousens: I have one little question. I realized afterwards that I had been especially kind to the deputy when he was talking about the change in time schedule for one of the major installations of one of the systems. Had there been any delay? When he gave that answer, it was such a beautiful answer, I loved the words, but they did not tell me whether there had or had not been a delay. If so, how much?

Mr. Barnes: There was not a delay in the sense that we said at any time this is when it was going to be done. We were wiser than that with our knowledge of systems. There was a delay in the sense that it took longer than I ideally would have liked it to take. I cannot be more specific than that. I would like to have seen the projects completed six months ago. There was a delay in that sense, but we were never committed. We were committed to not expanding beyond the projects until we had ironed out the bugs.

Item 5 agreed to.

Items 6 and 7 agreed to:

On item 8, systems development services:

Mr. Chairman: Do you have anything on item 8 you want to raise before we go to the Social Assistance Review Board, because it is the next one following? I have nothing I wanted to raise.

Mr. Cousens: I think we have pretty well finished with it. I suspect there will be a lot of

things coming back to me that I will have a chance to say before we rise.

Item 8 agreed to.

On item 9, Social Assistance Review Board:

Mr. Chairman: We have had distributed to the members a package of material that they should all have in front of them. There is the brochure on how to appeal and there are other statistics.

How do you wish to proceed, Dr. Burke? Do you wish to make a statement or do you wish to go right into a question-and-answer format?

Dr. Burke: People have not had a chance to look at the preliminary statistics for 1985-86. I would like to make a few comments on the tables that are there. Does that meet with your approval?

Mr. Chairman: Why not do that?

Dr. Burke: The statistics here are preliminary ones for the 17th annual report. The Social Assistance Review Board has been operating for 17 years. Before we look specifically at the tables, which concern just the past year and our plans for the current year, it might be useful if we begin by looking globally at some of the statistics that affect the operation of the board and indicate what the board has been doing,

If I can call your attention to table 10 in the statistics for 1985-86, we have a perspective there on the activities of the board, the appeals received and hearings held during the past 10-year period. I call your attention to the fact that in 1985-86—and this is something I know we will be discussing at length—the number of appeals received by the board has decreased. The number of appeals for 1985-86 is 4,833 and the number of hearings is 3,800.

This is further elaborated by table 11, which indicates the percentage decrease or increase during the 10-year period. You will find that applications for hearings decreased for 1985-86 by 16.5 per cent and hearings decreased by 22 per cent over the previous year. If we look at table 13, there is a further explanation by program during the 10-year period. In 1985-86, family benefits appeals were 59 per cent and general welfare appeals were 39.2 per cent.

With that global look at the 10-year period, it would be useful to turn to table 1 where we have

the number of appeals specifically for the year 1985-86. There we have cases brought forward from 1984-85, 512; appeals received during the year, 4,833; cases closed without a hearing, 969; appeals heard, 3,800; and cases carried forward until the present fiscal year, 576.

Table 2 specifies appeals heard classified by program and issue, table 3 shows the disposition of appeals heard classified by program and table 4 specifies the reason for the administrator's decisions and the disposition by the Social Assistance Review Board.

We find that under the general welfare program job search and job loss continued to be the main reasons for the administrator's decision. Job loss accounted for 11.2 per cent and job search nine per cent.

Table 4 is for family benefits, and they appear to be going backwards. I happened to deal with general welfare first. If you will turn to the page before, we have there the family benefits classified by reason for administrator's decisions. Here we find the category of not permanently unemployable at 38.9 per cent, far in excess of any other classification or category. We find as the second not living as a single, which comes to 3.6 per cent.

I thought that perhaps members would be interested in looking at the geographic breakdown of cases coming to the board. Table 9, comparing 1984-85 and 1985-86, has the geographic location of appellants. We find that the majority of cases continue to be from Metropolitan Toronto and Windsor. If we look at 1985-86, Metropolitan Toronto is at 18.4 per cent; Windsor at 5.4 per cent; Hamilton at 4.2 per cent; and Ottawa at 3.4 per cent. There is a definite trend downwards even in those cities that have been cited.

I have presented statistics and I think that is a good introduction to any questions that will arise from the information that has been presented.

Mr. Cousens: I thank Dr. Burke for making herself available to us today. I am new at this game and so I have a lot to learn. I hope some of my questions are not too ignorant, but they at least come from the bias of wanting to know and to gain some insight into what is happening there.

I would like to make one comment outside the purview of the estimates. I happened to hear the Minister of Community and Social Services (Mr. Sweeney) speak at noon hour to a number of people at a convention, the Goodwill Industries' delegate assembly, in Toronto. I would like to go on record as appreciating the way he conducted himself and the way he represented our govern-

ment and our province to visitors all across the country.

Mr. Sargent: Hear, hear. That is a first.

Mr. Cousens: I like the way he handles himself at such functions. I would like to put that on record. I can be difficult on things, but I am also proud to be an Ontarian and proud that someone spoke so clearly and well today.

Dr. Burke, I have a series of questions. Since your document was prepared on June 16, I wish it could have been given to us in advance of today and I would have had an opportunity to analyse it. Did the minister and his staff have it before today?

Mr. Barnes: No. We just got it now.

Mr. Cousens: In that case, I suffer from the same thing you do.

Mr. Chairman: They are all quick studies.

Mr. Cousens: That is all right. I did not know who was getting it last. Maybe the chairman had it a week earlier.

Mr. Chairman: It takes me only a few seconds to look for what I am after.

Mr. Cousens: I have known you are pretty fast. I would like to ask some questions that relate to the procedure of hearings and I have them pretty well ready.

Let me ask the first question. Regarding the hearings themselves, are appellants represented by legal counsel? If not, do they have access to legal counsel? To what extent is that available to them?

4:20 p.m.

Dr. Burke: Some people are represented by legal counsel or by private lawyers. In fact, during the year under consideration we found that 11.4 per cent of appellants were represented by either private lawyers or by community legal clinic representatives.

Mr. Cousens: Are they given an indication that they can have such assistance if they want their own lawyer?

Dr. Burke: As a result of the intervention and representations of community legal clinics, the board for some period now has been distributing a pamphlet, *How to Get Help With Your Appeal*, which was prepared by the clinics.

Mr. Cousens: Are witnesses to a hearing sworn in? If not, why not?

Dr. Burke: Witnesses to a hearing may be sworn in, according to the Statutory Powers Procedure Act. This has not been the practice of the board. I think that during the board's 17 years it has evolved into a more formal kind of agency.

As I understand it, it began with and has emphasized informality. The feeling has been, I am reliably informed, that there was the indication that swearing in would have introduced a more formal note than the board intended; so the practice in general is not to swear in witnesses.

Mr. Cousens: Do you have any percentage breakdown or does it depend on the officer hearing the case?

Dr. Burke: There have been a very limited number of cases when there has been insistence on a person being sworn in. For the majority, we have not had witnesses sworn in.

Mr. Cousens: Is that a good idea?

Dr. Burke: I think it depends on how one perceives the board.

Mr. Cousens: I am not prejudging it.

Dr. Burke: We are moving towards a more formal kind of procedure with more legal representation. Therefore, going along with this, I think more formal requirements under the Statutory Powers Procedure Act may be coming into being. The trend is towards greater formality and more legal representation, and with that would probably come the swearing in of witnesses.

Mr. Cousens: I am not prejudging it. I am not in a position to do that at any point, but it is interesting. The statutory period for appeal is 30 days. Do you grant extensions?

Dr. Burke: Yes, we do. It is within the power of the board to grant extensions.

Mr. Cousens: Under what kinds of circumstances are you generally granting extensions?

Dr. Burke: There may be instances when the appellant was not clear about the procedure and did not appeal within the set period. We have interpreted this very broadly to go as far as perhaps 60 days. In terms of why we would extend the period, I think a lot depends on the specific case. There are many instances when the appellant was not clear about how to proceed by the time the appeal does come in. We have had, for example, appellants who are not familiar with English or French and who have some difficulty in having the form filled in. Inevitably, we have persons who have to get others to fill in the form for them. In our opinion, it would be counterproductive to dismiss that case just because the person was over the 30 days.

Mr. Cousens: In dealing with the protection of those giving evidence, is the Canada Evidence Act applicable for appellants?

Dr. Burke: It is, and we have every protection for people who give evidence in that we do not use this against them in any way.

Mr. Cousens: I just had a series of questions that are more my startup in this category. I have a few more questions on the board members themselves. What prerequisites do you define for board members? A number of new people have been appointed. I am interested in the formal training, but also in the criteria you look for in the people being approved for the board; not in the approval process, which I know, but in their names going forward.

Dr. Burke: Let me be clear about one thing. The board itself has nothing to do with the persons selected for appointment. I have developed general criteria that I make available in terms of what would facilitate effective performance in a board member.

For example, I suggest that the duties required of board members as lay persons have to be taken into account. There is voluntary service within the community. Experience in a decision-making capacity is an important facet. There is willingness to provide objective assessment of each case. There is willingness to take account of the circumstances of persons of various ages and income levels. There is sensitivity to the multicultural composition of the Ontario population.

The kinds of skills I have identified are ability to understand and interpret the relevant legislation; ability to document cases and to analyse evidence; good oral and written communication skills; and good interpersonal skills. Then there is the question of language. Bilingual capability with French is an advantage and knowledge of other languages is an asset. I have also tried to identify some of the requirements for board members. They need to be available for a variable schedule of hearings on weekdays, as assigned. They work on average a four-day week. They need to be available to travel, and if possible, to have a driver's licence.

Mr. Cousens: That is very helpful.

In regard to policy guidelines defined and delineated for board members, do you have written policy guidelines for board members of your expectations once they are members of the board?

Dr. Burke: We operate within the legislation. We do not have discretionary power. In terms of the procedures of the board, we interpret the legislation. We are in the process of developing a manual for board members. We had hoped it would be available by the end of June, but it is

running a bit late. We have been working on identifying this and putting it together in a manual for members.

Mr. Cousens: At present, do you not have any written guidelines in addition to the legislation? I know what the bills are. In addition, do you have guidelines for board members to work from as their own reference prior to the manual being written?

Dr. Burke: The board has had in the past a series of memoranda on specific issues that are updated and changed from time to time. We felt that we now were in a position to put them together in a more concrete way.

Mr. Cousens: Are these memoranda documents from you to the board members? Who writes or authorizes these memoranda?

Dr. Burke: They are from the chairperson of the board to the members.

Mr. Cousens: How many memoranda are in that pile right now? Is it quite a number?

Dr. Burke: Yes. There might be 30 or 35.

Mr. Cousens: Is it a public document?

Dr. Burke: It is in the form of internal memoranda that we are converting into a more public document, which would be put together and made available.

Mr. Cousens: They are not public now.

Dr. Burke: No. They are internal memoranda at present.

4:30 p.m.

Mr. R. F. Johnston: Speaking as the critic, I had a written question on this, Mr. Cousens, to which I just received an answer. It says they are finally putting together a members' training manual and it will be ready by the end of June. Is that right?

Dr. Burke: If I am right, we hoped it would be ready by the end of June. We are running a week or so late, but we hope to have it ready in the near future.

Mr. Cousens: Are you indicating that at that time such a manual will be available to us, or is that going to be an internal document?

Dr. Burke: It is intended as a internal document, but we have had requests before from people who have to work with the board that it should be available. I see no reason why it would not be available to you.

Hon. Mr. Sweeney: It is not be a ministry decision, but a board decision.

Mr. R. F. Johnston: That is what I have been always been told, "Damned if you do and damned if you don't."

Mr. Cousens: If I may say so in this forum, it would be of interest to me and my party to obtain this document when it becomes available, and I want to go on record now as asking for it.

We have discussed written guidelines from you to members of the board. Are you also responding in your decision-making process to written guidelines from the ministry, from the minister himself, the deputy minister or people outside the board? Do you act on any memos they send?

Dr. Burke: I am not quite sure what category of correspondence this would be. We are in touch with people outside the board, but the only direct information we would have from the ministry would be changes to regulations.

Mr. Cousens: Are you in receipt of any such correspondence from the ministry when it has made any changes to regulations? I realize the legislation itself is one thing, but are you responding to any other kinds of directives in the process of fulfilling your job? Are you in receipt of or responding to any correspondence from the minister or ministry?

Dr. Burke: The board guards its independence very carefully, and I cannot think of any directives from the minister to the board. The direct contact between the minister and the board tends to be in terms of changes to regulations, and the board has to operate within these.

Mr. Cousens: Have there been any within the past year?

Dr. Burke: We have had notice of proposed changes to regulations or regulations in the process of being drafted. One that comes to mind is on pain and suffering awards, which is in process. This is notice of a proposed change. There was also a change in child care costs being discussed, and the awards in terms of children's winter clothing for dependants. Those are the ones that come immediately to mind.

I will repeat that the board operates independently of the ministry and does not receive directives of any other kind from the minister or the ministry.

Hon. Mr. Sweeney: May I make one small intervention here?

The Vice-Chairman: Absolutely.

Hon. Mr. Sweeney: Early in my role as minister, I contacted Mrs. Burke and asked her if it would be appropriate for me as the minister to have—it is the only word I can think of—a "social" meeting with the board members.

The Vice-Chairman: Do you mean a party?

Hon. Mr. Sweeney: No. The board members meet on a regular basis on Monday mornings. They usually have a lunch as part of their meeting. I made it very clear, however, that if there were any suggestion whatsoever that this would be seen as an intervention on my part, then the answer automatically would be no.

I simply wanted to have an opportunity to say hello to the board members, to meet them as persons and to indicate to them that if they had any particular difficulties, I would appreciate their sharing them with me. To the best of my knowledge, that was the first time in a long time that a minister had met directly with the board, even in an informal way, and I want to emphasize the arm's-length relationship.

The second point I make is that fairly recently, within the past couple of weeks, Mrs. Burke was in my office. I asked for an opportunity to share with her the plans for the income maintenance review, which would include a review of the Social Assistance Review Board. It was considered a courtesy on my part that the deputy and I explain to Mrs. Burke the way we saw the SARB part of the review fitting into the overall review.

I can safely say those are the only times this minister has had direct contact with Mrs. Burke and her board members.

Mr. Cousens: I have a few other questions. I want to chase down a few things. Have there been any procedural changes enacted with regard to the qualifications for assistance for recipients, any changes in assistance or any new directions you are taking on that?

Dr. Burke: I am not sure this is my question.

Mr. Cousens: It is intended for you, Dr. Burke.

Dr. Burke: I would like to call on the ministry to answer that, because we only follow the directives that come from them. In terms of the amount due—

Mr. Cousens: No, just procedure in the way you are handling them.

Dr. Burke: Up to now, we have developed our own procedures. We have not had any indication from the ministry that we should develop new procedures.

Mr. Cousens: You have not had any new procedures within the past nine, 10 or 12 months?

Dr. Burke: In the way we handle appeals? No.

Mr. Sargent: Thank God it is not like it used to be.

Mr. Cousens: I have learned so much from you, and the peanuts you just gave me have given me new energy.

Dr. Burke: Could I amend my last statement? One significant change that has taken place is in the time we allot for each hearing. We were trying to have the average hearing in half an hour and we have extended the time. We look more carefully at the complexity of the case and the number of people making presentations. We make allowances for more time so the members are not quite as pushed as they were before to get hearings in.

Mr. Cousens: That is understandable.

I have another question. Who is able to change a decision of a board member?

Dr. Burke: The members present at a hearing consult before they arrive at a final decision. Once a decision has gone out, it is final unless it is appealed in some way. Let me also say the board has independent legal counsel, and if it is a matter of law there is greater concentration, for example, on Divisional Court judgements which we have to take into account. Ultimately, the decision has to be signed by the members who were present.

Mr. Cousens: Decisions are not changed by anyone other than a board member?

Dr. Burke: Not during the consultative process itself. I am saying consultation can take place, particularly about a question of law, but the ultimate decision goes out from the members who conducted the hearing.

4:40 p.m.

Mr. Cousens: With their approval. There would be no change made to the decision of board members without their knowing it.

Dr. Burke: No, because their signature is expected to go on the decision. If they cannot agree, if three members go out and two want one decision and the third does not, they put in a dissent and that goes out too. The majority decision holds, with a minority dissent.

Mr. Cousens: I have a question on accountability. To whom are you accountable? Are you accountable to the minister or the Premier? In final form, to whom are you accountable?

Dr. Burke: The board reports through the minister to the Legislature.

Mr. Cousens: You do not feel anything more then, having completed your responsibility in doing this. You table it, and beyond that your accountability is done, as far as—

Dr. Burke: There is also financial accountability to the auditor.

Mr. Cousens: I want to ask a few more questions, and I have a number that come out of the existing statistics I had prior to the document you gave us today. The decrease in the hearings held during the past year—can you account for the statistics in a number of different ways? How do you account for them?

Dr. Burke: It is a question that has concerned the board a great deal. It is fair to say that many more cases are being resolved without coming to the board and without a hearing. I do not wish to say this is a more liberal interpretation of the regulations, but that may be the case.

In trying to find an answer to why our hearings have gone down, we have come up with some interesting and relevant information. For example, we found that the number of family benefits applications not approved by the director dropped from 10,429 in 1984-85 to an estimated 8,885 in 1985-86, a decrease of 14.8 per cent. If more applications are being approved and fewer are being turned down, then I think this is one of the reasons fewer appeals are coming to us.

We also checked on general welfare assistance. We did not have comparable figures there, but we found that the total number of general welfare cases, according to the estimates that are in your Program and Resource Summary, pages 40 and 41, has dropped from 109,568 in 1984-85 to 106,743 in 1985-86. Although the latter figure is an estimate, that is a decrease of 2.6 per cent.

An appreciable number of hearings have been cancelled as resolved. Members have had to be reminded not to accept that the issue is resolved unless they have looked very carefully at it and arrived at the conclusion that the date of cancellation is involved, and that there is no period they have to look at before they accept that the issue has been resolved.

I do not know if I have explained that clearly.

Mr. Cousens: I think I understand what you have just said. I am concerned about the cancellations. The ones that are solved have already been settled in the field, so you do not have to see them; that is understandable. Then there are others where a large number of meetings are scheduled by board members. You go to those meetings, you have mileage, you have time and you do all the things, and then you have a no-show or no meeting. What would be the cost of all the time that is lost?

Dr. Burke: The members travel across the province, and it would, of course, depend on which specific area. We have not done an

estimate of what this would be. To have an appellant who does not show does not necessarily mean there is no hearing. We go ahead in the absence of the appellant as long as we know he has received notice. It is not those in absentia that we are looking at; it is where it is cancelled and there is no hearing.

Mr. Cousens: Do you have any breakout on the reasons they are cancelled? Have they given up hope? Does a problem still exist? The concern I have is that once someone has gone on record as having put his case before you and then it is cancelled, do you get an explanation of any kind?

Dr. Burke: Yes, we do.

Mr. Cousens: Do you break out and analyse those explanations into different types?

Dr. Burke: We have the information. I do not have it immediately available, but we could get it.

Mr. Cousens: I would be interested in that. We have to keep looking for certain people who are falling through the system. The system is only as good as you are and we are in trying to provide for a need when we can. There may well be extenuating circumstances. Anyway, I would appreciate that.

Hon. Mr. Sweeney: May I pick up on one comment Mr. Cousens made? One of the things that has concerned us in the ministry is that the board itself has been getting cases it should not have been getting, cases that should have been resolved in our local offices. We have made a request of our local offices to be a little bit more careful and to attempt to deal with some of these cases instead of just routinely letting them go on to the board. That would account for part of the reduction.

It is again part of the overall review. We have made clear to Dr. Burke that we feel that part of their difficulties have been our responsibility, and we feel we have to clean up our act to a certain degree so the board does not become the recipient of problems it should not have. Thus, there is a sort of twofold process going on. The board is re-examining itself and the ministry is re-examining itself to be sure we are not improperly or inappropriately allowing cases to go on to the board when they should be resolved, in most cases positively, in our own offices.

Mr. Cousens: Do you have any written guidelines you have distributed to the field asking them to participate more closely in trying to solve these problems in advance? How did you direct the field to do that?

Hon. Mr. Sweeney: This would go through the normal line staff.

Mr. Cousens: Has a memo been sent by the deputy on that kind of thing?

Hon. Mr. Sweeney: No; not to my knowledge.

Mr. Cousens: Is it consistently being followed across the different regions? How, then, are you able to ensure that you have the same thing in the north as you have in the east if there is not some common memorandum that defines the guideline?

Hon. Mr. Sweeney: It is something that is being watched right now. It has not been very long, but there is evidence it is being—

Mr. Cousens: You are indicating there is nothing in writing on this. Do you have any report that indicated there was a problem with the field not doing its job prior to going to the Social Assistance Review Board?

Hon. Mr. Sweeney: We had asked that another overview be taken to see the kinds of cases that were going to the review board, particularly those in which the appellant was routinely supported by the board and which, quite frankly, should not have gone. There was no good reason they should have gone that far; they should have been settled locally. The request was simply made: "Take a more careful look at this. Do not allow it to go on. Bring the client in, see whether it can be resolved locally and, as much as possible, do that."

Mr. Cousens: May I see a copy of that report? Is it something where there is a type of analysis to say there are certain trends taking place?

Hon. Mr. Sweeney: It is more or less overall feedback.

4:50 p.m.

Mr. Barnes: To my knowledge, there is no formal report of this. It is more a question of just ensuring on an ongoing basis through our management in the field that the Social Assistance Review Board is not treated as something they can dump things on. We want to make sure they work as best they can with the client, without intervening with the appeal mechanism obviously, but ensuring that they work it through to the best of their ability as an ongoing management thing.

Mr. Cousens: Were you aware then that there was a change within the ministry in its trying to sift out certain of them before it came to you, Dr. Burke?

Hon. Mr. Sweeney: I am sorry, Mr. Cousens. I may be the author of some misconstruing here. It is not a case of sifting out; it is simply a case of asking them to be a little bit more precise, to look more carefully at how they are being dealt with, and not simply to use SARB. If there was a difficulty, in some cases the conception was: "Let it go, let it be appealed. If they should win, they will win. If they should not...."

We said: "Wait a minute now. Let us deal with it, solve it, resolve it, and do not let it go on if you can deal with it yourself."

Mr. Cousens: Are you then indicating that these field people are still following the law as closely as they always were, and there is no change in the relationship between the field workers—

Hon. Mr. Sweeney: No.

Mr. Cousens: The law has not changed; and there is no change, then, in the interpretation thereof?

Mr. Sweeney: Technically, the cases can go on to SARB. It is not a case of following the law or not following the law. If there is a dispute or if a decision is negative to the client, that is a permissible decision to be made. We are simply saying: "As much as possible, resolve it in the local office. Do not allow it to go on if it does not need to, if there is not a genuine difference of opinion there."

I suggest the evidence is beginning to show that that is what is happening. More and more effort is being made to bring the clients in, to sit down with them, to talk to them, to be sure they understand the difficulty and to resolve it in the client's favour as much as possible rather than simply to send it on to an appeal and take whatever the results happen to be. It is an attitude more than anything else, as opposed to law, guidelines, regulations or anything such as that.

Mr. Cousens: You have noticed this change, then, within the ministry?

Dr. Burke: Yes. We have noticed a change. There are more issues being resolved either immediately before or even while people are waiting to go into the hearing. That provides us with certain difficulties because we have set up a hearing and the people have come, but before they go in or before the hearing begins, they resolve the issue. In the interests of the appellant, we have no problem. In the interests of our statistics and our funding, we have a problem.

Mr. Cousens: This is part of the concern that I have been trying to bring out. Give me an

example of some of the last-minute decisions that are made by the ministry without using names.

Dr. Burke: It may be a case of a person who is permanently unemployable and there is new evidence.

Mr. Cousens: What I would like to have is some of the times of the last-minute interventions by the ministry before the appeal board.

Mr. Barnes: Can I say something here? I am just trying to get the correct interpretation on this. On this issue of a last-minute intervention, one is simply trying to make sure the right clients get their money. It is as simple as that. If there is a dispute, one gets to the stage where the client will say, "I am going to appeal," so he appeals. If more evidence comes to light, they rethink it or they continue it. We continue that work, and we may be able to get to a point where we can settle it and the client will get the money more quickly than if he went on to SARB.

Alternatively, one could take quite a simple decision that since it is being pleaded to SARB: "To hell with it. That is its business. I have plenty of work to do, and I will go on and do something else." I do not think it is a question of intervention; it is just a question of trying to be more considerate about the considerations of the client. I think Mavis is quite correct. It presents some administrative problems because she may set up a hearing and then have to cancel it; but the cost of that is probably preferable to a client who should get the money not getting it.

It is in that sort of environment. It is not us trying to intervene and stop an appeal. It is us trying to get the money to the client. It is pointless having an appeal if we establish to our satisfaction that the appeal is unnecessary. Often, getting the information and dealing with it is becoming more and more difficult. We are in much more of a rights-oriented situation. One has to be more careful of the questions one asks. One has to be more sensitive about these questions. It takes longer. It is an amalgam of these things.

I am not satisfied that we have all the answers as to why the appeal rate has declined. I think this is a contributing factor, but I do not think it is the total reason.

Mr. Cousens: Do you have any other reasons?

Mr. Barnes: It might be statistics; I do not know. I do not know the impact of integration. Perhaps moving some of the people off general welfare assistance on to family benefits allowance more quickly has solved some of the problems. I imagine that contributes to it. We are

trying to look at all of that just now because it is a fairly recent phenomenon. It may be that the impact of integration and the impact of better co-ordination between ourselves and the municipalities is beginning to have an effect. The fact that we are working more closely with the municipalities may be beginning to have an effect on both sides.

We have not yet done sufficient analyses to pull this together, but there could be a number of contributing causes. It is an interesting one. It started to come to light only recently. I hope it is integration. It would be nice if it were. It would be a demonstration of how nonduplication can make it easier for the clients as well as for ourselves.

Mr. Cousens: I have a couple of quick ones left. I hope you will raise a question, Mr. Johnston, that I am not going to have time for because it will take a big answer. It has to do with the number of people on social assistance now compared to before. Is that something you are going to be asking?

Mr. R. F. Johnston: I will later on, but not of Dr. Burke.

Mr. Cousens: Will this come in more easily later on? I will skip it. Can you clarify the man in the house rule?

Dr. Burke: This would be better clarified by the ministry because it is one of the problems the board has had. Although I did not think I should mention it, the Divisional Court judgements on this whole issue have brought a great deal of negative publicity to the board. In looking at the number of cases involved, they are a very small percentage of the total the board deals with. However, it has become a major issue and was one of the things about which the board took the opportunity of meeting with the minister and raising with the minister. I would prefer it to be dealt with by the minister if that is acceptable. Several of the cases in which there has been a finding against the board are up for appeal at present. I think the minister should deal with not living as a single person, if that is agreeable.

Mr. Cousens: It could be done at another time.

Hon. Mr. Sweeney: We are prepared to deal with it whenever you want, now or later.

Mr. Barnes: Under income maintenance, if necessary.

Mr. Cousens: Is there general satisfaction that both are dealing with the same understanding?

Mr. Barnes: Absolutely.

Hon. Mr. Sweeney: It is the appropriate way to do it.

Mr. Barnes: No; it is the appropriate way to deal with the question.

Hon. Mr. Sweeney: That is what I meant. You have to watch your language around this place.

Mr. Cousens: I truly appreciate the work the board does and that people like you have been contributing. It is an important process and it works. It is too bad we do not have more of everything, but there is a lot of dedication on the part of you and the people at the board. I do not take it for granted and I do not think any of us takes it for granted. I think it is tragic when people come away with partial ideas. I wanted to ask a few questions that would give me a deeper insight into the process and I appreciate your candour. If you can send me that book, after being so nice, I would be glad to get it.

5 p.m.

Mr. R. F. Johnston: Dr. Burke, as you probably realize, unlike Mr. Cousens I do not like the board much at all and have not done so for years. I still have some of the same problems with the board that I have been carrying since I was elected. I find it incredible that we are in 1986 and the "informality" that is held up as such a positive feature, in my view often disguises incompetence and inconsistency in your rulings and does not even necessarily follow good judicial process, as some of the higher level courts have ruled since.

I am amazed that any indication of how you operate has still not been made available to the public to look at and to people who go before you to understand how you make your decisions. My own opinion has been that the decisions of the board really depend on who you run into at the board and who you talk to on Monday morning.

I do not have much confidence in the competence of the board. Some of the new people appointed are improvements over some we have had in the past, but my own sense has been that you may have listed some of the qualities you think are necessary in a board member. I think past governments have seen only a certain affiliation to their own party as important, rather than any competence or understanding of either the laws of the province on social issues or any particular understanding from even a local community basis on the needs of the poorest in our society.

I hope the new review that will be undertaken and announced shortly by the minister will make

some profound changes in the way your board operates to give it, finally, the respect it needs from people such as myself, especially when you consider—I said this specifically to the minister in the past—that of all our tribunals, this is the most important because it deals with people who have no other means of support.

This is the very last refuge for them when you are talking about bread and butter, and yet the processes we have in place at that board do not protect their legal rights and anything that the Charter of Rights would expect as the due process considerations that we would give anybody in a tribunal situation, let alone somebody who is at the very bottom of the safety net and falling through and being turned down by the ministry or a municipality at that point.

I would like to go into some of those with you. Why is it that you do not have that document? Why is that I get that kind of a written answer from the minister saying it may be by the end of June? Now they are saying perhaps a week later in 1986 that we are finally going to have a training manual for the members of a board which has been operating for 17 years. Is that what you said?

Dr. Burke: Could I clarify that I have not been there for 17 years? I have just completed my first year there.

Mr. R. F. Johnston: I know that, but you are the chair.

Dr. Burke: If I might reply, it is unfortunate that the member has only a negative image of the board. In my year at the board, I have been well aware of the problems it has. I have also been able to recognize the commitment and the hard work that goes into being a board member.

I would like to reply specifically to the question of the manual. Before I came to the board, I found there was a process of having memoranda to board members and we realized that training of board members was important, not only the orientation of new members who come from a variety of backgrounds, as would be expected with a lay board, but also the ongoing professional development of present members.

For these reasons, we decided to organize a manual which would set out our procedures and would be available to indicate guidelines for the running of the board. The reason it is not ready is we took a look at it, we had all our members examine it and we made some adjustments because of the criticism some members made. Our printing process has been held back a couple of weeks on that account.

Mr. R. F. Johnston: When was it first asked for? Do you know that?

Dr. Burke: It was by you in 1981. I read it in Hansard.

Mr. R. F. Johnston: We are now in 1986. How do you explain not having it at this point?

Dr. Burke: I explained I have been there a year. The manual has been worked on for the past six months. I confess I am unable to explain why the manual was not available before.

Mr. R. F. Johnston: It will be a document made public to all those people who represent clients?

Dr. Burke: It is designed for the members. I looked carefully at the arguments that were made in 1981 when this manual was first recommended, as far as I know. I certainly can appreciate that persons who are dealing with the board need the kind of guidance as to how the board operates. I see no problem in making this available.

Mr. R. F. Johnston: Can I deal with something I raised? You may remember the year better than I do. It is your mandate in terms of the time limit for hearing cases. Do you have statistics for those that are over the 41-day period?

Dr. Burke: I do not have that available at the minute. In 1983, you did raise it as a problem and I agree it is still a problem in terms of keeping to a mandate. The first part of the mandate requires a 21-day turnaround for acknowledgement once a person has appealed. It requires that a hearing date be set within 21 days. As soon as we get the request for hearing we investigate the possibility of a date and a place. We book a place for the hearing and we send for a submission.

Within the first 21-day period we are up to 80 per cent, 85 per cent and maybe even higher, 90 per cent within the 21 days; so the hearing is set. Your concern and mine, Mr. Johnston, is what happens once the hearing has been held. The requirement is 40 days. We have a great deal of difficulty in meeting the 40 days. At present, although I do not have any available statistics, it would be in only about 30 per cent of our cases in which the response is made within that time. This is a matter we continue to work on.

The increasing complexity of many of the cases before the board helps to explain the delay, although I am not finding excuses. For example, there are many in which our members are not fully aware of the judgements of the Divisional Court and we need to consult with our lawyer. As I mentioned, there are more and more cases in

which people are being represented by a lawyer, either a private lawyer or through a legal clinic: 11.4 per cent. Many of these take a longer time.

Mr. R. F. Johnston: Which is up from what? It is still only one in 10; it used to be one in eight. It was something like that. I cannot remember.

Dr. Burke: It has gone up from about that.

Mr. R. F. Johnston: I have real concerns about this. I raised it with past ministers and I raise it with this minister. Part of it may be an administrative problem and part of it may be a need for more board members, but in my view it is unconscionable that we have a mandate in law by which a board must act. We have that for other boards as well, not just for the SARB. We are dealing with the most vulnerable citizens in our society, often people who are in desperate need of the money and a decision, and we still have only approximately 30 per cent of the cases that are dealt with in time.

5:10 p.m.

I would like to read a letter to me from Community Legal Services of Niagara South Inc. in Niagara. I will not use the name of the client. This is dated June 3:

The client "was denied a benefit for a permanent unemployable benefit from the Director of Income Maintenance on May 3, 1985. We appealed the denial on May 30, 1985. The first hearing, July 3, 1985, was rescheduled, as I was on vacation. The second hearing was rescheduled as the medical adviser of the medical advisory board was on vacation and unable to submit his report.

"The hearing was finally held on September 10, 1985. We received a decision on November 20, 1985. We appealed for a reconsideration of the SARB denial on November 29, 1985. It says, 'Acknowledged, December 6, 1985,' and a hearing was scheduled January 23, 1986.

"We called the SARB on April 21, 1986, and sent a letter. The reply to, 'Where is the file in the process?' was, 'In the legal department.' We sent a confirming letter of complaint on the time taken for the decision. As we were advised that this decision would come in 10 days, we contemplated its arrival and decision.

"On May 9, 1986, we sent another letter of complaint, as we still did not have a decision. We were advised that the decision was waiting for a signature. As of this date, June 3, 1986, over a year since our client was originally denied, our client still has not received a decision on her entitlement to benefits."

I have a list here from Dundurn Community Legal Services:

Board file D-09-31-27: Notice of hearing sent February 7, 1986; hearing held February 26, 1986; notice of decision dated June 5, 1986. The issue was that of overpayment.

Here are some others: Notice of hearing sent February 7; hearing held February 26; decision April 16. Notice of hearing sent February 20; hearing held March 11; decision May 29. Notice of hearing sent March 4; hearing held March 19; notice of decision received June 10. The issue was that of the loss of a job in circumstances over which the client had no control. Interim assistance was granted for one month. The question is, what happened for the rest of the time that person was waiting for income?

Notice of hearing sent March 11, 1986; hearing held March 27; notice of decision May 26. It goes on and on from that particular group.

Here are some from Halton: October 18, 1985, was the request; hearing was held on November 6; decision was received on January 30: 103 days. Notice of hearing, October 3; hearing date, October 23; decision received, January 30: 118 days. Both of those were successful decisions.

Notice of hearing, October 9; hearing date, October 30; decision, January 30: 112 days. The decision date was January 20; it took 10 days to reach the party; and the Divisional Court responded no in that case. Notice August 16; hearing date, September 5; received decision, December 2: 108 days, successful.

If you go down all these, most of them were successful. Yet these people were waiting twice as long, in many cases, as your mandate. What can be done to change that overnight, because that is when it has to be done? I do not think we can wait around any longer for promises of its being fixed up, as happened when I first raised the question in 1983. I was told it was intolerable and would no longer continue. What can be done to deal with that immediately?

Dr. Burke: I can respond only to the general concern. Concerning the specifics, I do not know what is involved in those cases. Each case is different.

The overall complaint that 100 or 118 days or whatever is too long cannot be denied. In terms of improving this, some other factors also have to be looked at. There are times when court decisions or cases are coming up that affect the decision, and there are instances when the board has waited for the court judgement before going ahead. I am not saying this happened in a particular case, but it may have in one of those at

any rate. Rather than go ahead without the benefit of the court judgement, in some instances we have waited.

The general complaint that it is taking too long to get the decisions out cannot be denied. As to what can be done, we can do whatever is within our control, whether it is office procedure or getting the members to write up the cases more quickly and bring them in. These are all factors one has to look at.

We expect members to write up their cases and bring them in without undue delay. At the same time, we do not specifically provide for preparation time, as such. We expect them to do this as part of the week's work. We may have been negligent in not looking at this. The cases have to be written up and we could begin by making sure they are done and brought in, and our office procedure to the final point of mailing is speeded up.

The members are expected to bring the case in the following week and it does not go out until they are happy with the format, do not object to the wording and sign it. Because there are often three members, they sometimes have to meet on a Monday, talk about the case again, look at the wording and if they are not happy, make changes which the office does during that week. Part of it is getting the decision ready to be mailed.

I can only say that whatever is in our power will certainly be done. We are also unhappy about the time this is taking. We will do everything possible to improve that situation.

Mr. R. F. Johnston: Minister, let us go back a step. What is the reason for those time lines? You have federal reviews of Canada pension plan and unemployment insurance appeals, which are done almost instantaneously. What is the rationale behind the time lines and what are you willing to do now that it is three years since I raised the question and still only 30 per cent of the cases are being dealt with in the time lines under the legislation? What are your plans to deal with this, given the clientele?

Hon. Mr. Sweeney: You have asked many of the same questions we have asked ourselves. The purpose of the review is to find out exactly why this time is being taken. Is it a factor of the legislation itself, of the procedures, of the number of people available to do it, of the administrative staff available or of the difficulty the board members have in dealing with our legislation? As Mrs. Burke pointed out before, when I asked to meet the board members, I inquired where they felt they were having

difficulty and how, as a minister, I could be helpful from a legislative point of view.

They indicated that certain pieces of legislation are causing problems, but they are bound by law to obey them. That is also part of it. Which of those will we have to have another look at? That is the essence of looking at the process itself. Until now the board has addressed its own procedures within its mandate. We want to see how the board might be reorganized so the kinds of difficulties, time lines and delays you referred to can be addressed.

Mr. R. F. Johnston: Let us look at this in the context of the people we are talking about, those needing interim assistance, welfare or wanting to get into the permanent unemployable category, which seems to be the largest single category these days. They are the people who are desperate for money and, generally speaking, live in rough circumstances if they have been denied either municipal or provincial dollars, given the state of things out there at the moment.

According to your opening statement, you are talking about a review that will report next March. Are you telling me that—

Hon. Mr. Sweeney: Let me interject. We have indicated to Mrs. Burke that, although the SARB review is part of the major review, it is an independent review within a review and it will report long before the first one does, simply because we need to get some answers a lot faster than that.

5:20 p.m.

Mr. Barnes: We are having two reviews. There is the overall review, which will look at the whole philosophy and the process in terms of how it fits together within that context, recognizing the time taken for the overall review.

A shorter-term review will work with the SARB and be external to that board. It will look at the process and make some recommendations about the very problems you are dealing with, the administration problems to which Dr. Burke has been referring. As the minister has said, there is a review within a review, which will enable us to take quicker action while waiting for the longer-term review.

Hon. Mr. Sweeney: There will be a different review committee dealing specifically with SARB.

Mr. R. F. Johnston: Underneath this other review, or independent?

Hon. Mr. Sweeney: Within it, but not directly subject to it.

Mr. Barnes: We are trying to deal with two levels of problems here. The overall review is looking at the whole mechanism of income maintenance. It will lead to new legislation, etc.

We are concerned about some of the issues you have raised relating to SARB. Recognizing that the writing of new legislation is going to take time, we thought it would be preferable to deal more quickly with the immediate administrative time issues we are living with at SARB right now. We have a shorter-term, more functional review taking place to help us in that area.

Mr. R. F. Johnston: What is your timetable?

Mr. Barnes: We are saying about three months for the review.

Mr. R. F. Johnston: That is reasonable, but I do want to state my frustration with this. In the past, the governments have not taken this as an urgent matter, as I think it should be. If we had Workers' Compensation Board appeals being dealt with outside the time lines of that legislation, as we are seeing here, there would be a hue and cry about it. If unemployment insurance decisions were being delayed as decisions are being delayed at SARB, there would be a hue and cry; yet we have had no immediacy about it.

I welcome the fact that within three months of your announcement within the next few days of that group, we will have some recommendations to assist the board in dealing with that matter. The cases are the most desperate we deal with in terms of our quasi-judicial bodies.

Hon. Mr. Sweeney: Your very last words triggered my memory. It is quasi-judicial and, therefore, there are limits as to how we can interfere, intervene or rush things through. There is a balance here we have to maintain. One obviously deals with the fact that, as you describe, these are people who need an answer as quickly as possible, but there is the process they are entitled to as well, particularly if they are turned down.

Mr. R. F. Johnston: Absolutely, but everything has been weighed the other way for a decade now, in my view. You have everything against the person who wants to appeal at this time. Things are marginally better in terms of the amount of representation they get, but only marginally. Although we continue to talk about this informal way of dealing with things, even the chairperson recognizes the fact that more and more cases are legal questions which are giving the board members difficulty and requiring legal decisions by the board, which is one of the reasons it takes longer.

The due process argument for any delay of this kind is not one I will accept. I do not think there has been appropriate due process before the SARB, whether it is the right to have court reporters on an automatic basis—for which we still do not have acceptance because there is a notion of informality at that level—or the fact that only 11 per cent of the people are represented by a lawyer or legal clinic. When you start to deal with things like permanent disability and incapacity to work, you need to make some very strong legal arguments.

I know what happened at the SARB study group's annual meeting which both you and I attended. The comparison between the new tribunal system at the Workers' Compensation Board and the process we are left with here is one of stark contrast in terms of the rights of the appellants involved. We do not have the same kind of rights built into this system as we do there.

The sooner that is dealt with, the better for the credibility of this board. It will not affect due process negatively nor will it negatively affect the notion of the independence of a quasi-judicial body. Some of us have felt that for at least a decade or so, maybe longer, this was not that arm's length an organization, frankly, by appointment or by relationship. The sooner it is seen to be absolutely at arm's length, with proper due process built in for the people going before it, the better, as far as I am concerned.

May we deal with the question of the permanently unemployables and the high proportion of them who come before the board? There are a number of issues around this which I find troubling. What is the percentage of cases now that relate to medical issues in general? Last year it was around 70 per cent, by your figures. I am just guessing it is around the same now. Right?

Dr. Burke: I think so.

Mr. R. F. Johnston: As well, in the past few years it has been the area in which the board has rescinded a director's decision most frequently. We are looking at success rates. Generally speaking, this has been an area in which the board has had a higher success rate in supporting the appellant. Is that true as well?

Do you keep statistics on the number of those specific cases in which legal representation is available? Is there a correlation between the fact that often in these cases there is legal representation and that is one of the reasons they are getting a higher success rate, or do we know that?

Dr. Burke: I do not think we know that. If I could make a few comments, it seems to me the

area of permanently unemployables for medical reasons is perhaps one of the areas wherein the board has developed a somewhat different kind of perspective in that it usually has the advantage of seeing the person. Very often, the appellant is present at the hearing, and if there are medical reasons involved he is able to present his case very forcibly.

There are other reasons one might want to look at. For example, in the recent ruling on the Jankowski and the Kowalski cases, there has been a difference in the way the board handles those kind of cases. Before, according to the ministry definition of "permanently unemployable," it was assumed that the medical evidence had to go before the medical advisory board. New medical evidence that had not gone to the medical advisory board was not considered in arriving at the decision. This has changed according to the ruling of the court. I think, if I could say so without providing any statistics, that in this entire area board members have been able to get more from the appellant about his situation—what he has been able to do, when he last worked—and have been able to arrive at a more independent conclusion.

Mr. R. F. Johnston: The figures are staggering. I guess table 4 is the appropriate table to look at this. There is a very large percentage of those cases in comparison with any other categories or groups that have been granted assistance. It jumps out at you that something is very different with these cases.

Dr. Burke: The reason I have been trying to give, albeit perhaps a bit vaguely, is that this area has lent itself to a broad interpretation. Very often, the medical advisory board has the disadvantage of not having the appellant in person, whereas the board has. One goes beyond paper and certification to actually deal with the individual.

5:30 p.m.

Mr. R. F. Johnston: It raises some questions in my mind about the medical advisory board and its effectiveness in this whole process. You talk about trying at the field worker level to resolve issues before they go any further and not needing to go to the judicial body. It seems to me there is a signal here that maybe there is something that needs to be done on the medical advisory side of things to mean that fewer of those need to come before the board as well.

We cannot have the statistics both ways. Is the board doing a good job if the numbers getting through are low or high? This is the one category

that jumps out and says that something is very different here from the others.

If one presumes the system is working, there would be few appeals granted and the people down below would be working this out properly, but this is an area where things are not working below, and there is some need to deal with that.

I do not know how you deal with this for those who are not represented, but I have had complaints from some of the legal services groups—community services—that doctors are now charging them for medical opinions. I have seen some of them, and they are certainly not the kinds of things I would get for a Workers' Compensation Board claim. These are just two-paragraph things, and they are charging \$30 or \$50 for them.

Some of those community legal services have money to deal with it, but what about the cases where people are trying to compile evidence and running into that on their own? Is there any protection for those individuals in terms of the costs they accrue as they try to build their cases—especially when the success rate is so high?

Dr. Burke: Not from the board.

Might I raise a related issue? Many of the people to whom Mr. Johnston is referring are trying to get that medical evidence to bring it to the board. This provides the board with a problem in terms of rescheduling. We too have problems; we have cases that have been waiting for six months and longer because we get notice from the legal representatives that they are trying to get new medical evidence.

We do have a problem here in that the medical evidence has to be an elaboration of the condition that existed at the time the person was turned down. This is a problem on the other side.

Mr. R. F. Johnston: I think that begs questions around the structure of the medical advisory board versus some other means of trying to get you quick, independent medical opinions on this.

In the report you circulated to us you make a comment at the bottom of page 5 which I find interesting. It deals with the single status question.

"...the respondent's case must now rest primarily, but not solely, on evidence of economic support, the proof of which is frequently at the heart of the problem. As a result, the appellant's partner is encouraged to make no economic contribution at all, however close the relationship may be otherwise, lest it jeopardize

the applicant's or recipient's eligibility for public support."

The question that jumps out at me from that is, who is encouraging whom? Who is doing the encouraging that no economic support be given by somebody in that relationship? It is obviously not happening at the board level. Where is it happening—in the ministry or the courts? I was not sure what you meant by that.

Dr. Burke: Actually, these are not my comments, so I am not able to explain them. I took over the board after this was prepared, so I am afraid I cannot respond.

Mr. R. F. Johnston: Perhaps we could ask the minister if he can understand it. Do you understand what they are saying?

This is page 5 of the annual report, which is not Dr. Burke's but her predecessor's. It is right at the bottom, and it says that "the appellant's partner is encouraged to make no economic contribution at all," no matter how close the relationship is, etc. Who does the encouraging?

Hon. Mr. Sweeney: I expect they are saying that the process encourages the appellant's partner not to give any indication at all that there is an economic relationship. Otherwise, he—and let us speak of a "he"—is going to jeopardize his partner's opportunity to win her case. I think that is what it means. There is no person encouraging it; the process encourages it.

Let me go back. I am sorry but I did not hear all of Dr. Burke's answer.

In this particular situation we are facing the difficulty that the courts have ruled that the five-point criteria have to be taken into consideration. They are making it increasingly clear by their rulings that the economic relationship is the critical one. They talk about conjugal and sexual, and I cannot remember the other two or three. They are simply saying, "Look, all of those are part of the package but we are really taking a look at the economic relationship." Therefore, in most cases, if the male partner cannot indicate any economic relationship it is to the advantage of the appellant. I think that is what it is saying.

Mr. R. F. Johnston: Is that what your field workers are doing in terms of the man in the house interpretation?

Mr. Barnes: This process comes down to the issue of the spouse in the house.

Mr. R. F. Johnston: It sure does. It seems to me that the connection between economic and presumed sexual relationships is often the same problem a number of us have with the civil rights questions involved with the—

Hon. Mr. Sweeney: The courts are asking for evidence of a spousal relationship and have identified these five criteria. Our staff, when appearing, have to give evidence that those criteria are present. When they are not able to do that, they are obviously going to lose their case.

Mr. R. F. Johnston: I forget the statistics for the Social Assistance Review Board cases of spouse in the house, or man in the house rulings, and how many have been approved at SARB and how many have gone to Divisional Court and been successful.

Dr. Burke: Mr. Johnston, the paragraph on page five was more or less hypothetical and supposition. I was not trying to back off from responsibility for the report.

Regarding your question, I have prepared a summary of those key cases about which you asked in 1981. With your permission, Mr. Chairman, if members are interested in getting the summary, we have copies here. Would you like us to distribute them? This speaks to the question you raised, Mr. Johnston.

Mr. R. F. Johnston: I appreciate that. They were hard to get before and I am glad they are forthcoming.

Dr. Burke: It identifies the year and the main point of each case. It indicates clearly the progression that has taken place.

Mr. R. F. Johnston: I will need some time to review that before I can respond. These are all the not-living as single cases.

Dr. Burke: The key cases have set a precedent for judgements.

Mr. R. F. Johnston: There are two currently under appeal. Pitts and Burton?

Dr. Burke: Pitts and Burton.

Mr. R. F. Johnston: Do we know when the appeals are to be heard?

Dr. Burke: I am sorry, I have not heard.

Mr. R. F. Johnston: I appreciate that because we have not had that in the past and it is useful to see the development of the legal opinion as you indicate.

There were about 40 last year. How many cases are there this year at Divisional Court?

Mr. Barnes: I think fewer than that.

5:40 p.m.

Hon. Mr. Sweeney: The last figure I heard was 30.

Mr. Johnston: I do not know whether that is up to date. Is it 38 cases opened this year in table 14?

Dr. Burke: Table 14 is the Divisional Court material.

Mr. R. F. Johnston: So we have 43 that are still pending decisions at the Divisional Court level.

Dr. Burke: Yes. In terms of the appeals heard it was probably nine against and seven in our favour.

Mr. R. F. Johnston: Would it be possible to have a similar summary of appeals heard in this last year, just to get an idea of the dispositions? This cursory kind of summary would be very helpful.

Dr. Burke: I will prepare that, Mr. Johnston.

Mr. R. F. Johnston: The question that comes to mind is the makeup of the 43 pending. What kinds of cases are those? Do you know that offhand?

Dr. Burke: I am sorry. I do not know offhand.

Mr. R. F. Johnston: It would be very interesting to know.

Hon. Mr. Sweeney: For your reference, Mr. Johnston, the one I was referring to was the Warwick case. It is the second one from the top.

Mr. R. F. Johnston: Yes. It is interesting to see that it is a much earlier case than some of the others, and the rulings seem to be changing.

Hon. Mr. Sweeney: Those are the ones that are still brought to our attention by the courts. They continue to use that as a reference point.

Mr. R. F. Johnston: Is the ministry appealing these two cases?

Hon. Mr. Sweeney: Pitts and Burton? Yes.

Mr. R. F. Johnston: Why?

Hon. Mr. Sweeney: Presumably because it feels the courts have ruled inappropriately.

Mr. R. F. Johnston: Perhaps we will get to you on that later on. I often wonder about the purpose, again dealing with these kinds of cases, in the ministry pursuing the courts as they tend to get a little more progressive in their rulings and lax in their attitudes.

Hon. Mr. Sweeney: It is obvious that every time the court makes a ruling it becomes a precedent, and if you do not agree with that precedent you are going to challenge it. That is how I understand precedent law to work in this country.

Mr. R. F. Johnston: It is, if you want to uphold legislation which deserves to be canned.

Hon. Mr. Sweeney: I think we will have to discuss that. That is not Dr. Burke's domain.

Mr. R. F. Johnston: I think, in answering Mr. Cousens, you said you were going to try to get us some information on cases that were closed without hearing, in terms of why that was and that sort of thing.

Dr. Burke: We will certainly do that.

Mr. R. F. Johnston: I appreciate that. Do you know whether there are any common denominators that would be of interest?

Dr. Burke: I cannot say at the moment. I know we have been aware of an increasing number that have been resolved.

Mr. R. F. Johnston: One of the things that has often interested me—I have been involved with one of these cases and I guess that is why—is the whole question of no jurisdiction. Of the cases this year, 2.5 per cent are considered to be outside your jurisdiction, by board decision.

Can you give me some indication of how that happened? I remember one in which I was involved. Can you tell me what kinds of cases those are, or can you get that information?

Dr. Burke: Yes; for example, if the issue has to do with special or emergency assistance, that is not appealable to the board; and sometimes the appellant is not very clear as to what is involved, that is possible.

It may be a matter of time; it is out of our jurisdiction because it was a decision made long before, at a time when we could not possibly extend any kind of consideration. Those come immediately to mind. Is that related to the one you had in mind in terms of no jurisdiction?

Mr. R. F. Johnston: Yes. One of the cases was similar to the first example you raised.

We have taken a long time on this and you have been very kind with the time you have spent. There are a number of other things that could be raised, but we have reduced the hours for estimates and I realize members would like to get on to other things.

I would like to raise with you one bizarre thing I heard had happened recently. Somebody from Welland told me about it. It was a case where somebody was involved in a Workers' Compensation Board appeal and the money received for the injury was deducted from the SARB decision in terms of family benefits income that was to be backdated. I am surprised that a person can win a lottery or at bingo in Ontario and not have the money deducted, but if a person is injured on the job, through a different system he has right to certain moneys through an insurance scheme which can affect the family benefits decision before the SARB. Is that the case?

Dr. Burke: I cannot elaborate on that, Mr. Johnston, the income maintenance unit would be better able to discuss this issue. It seems to me that perhaps the pain and suffering awards may be among those being looked at now. They could deal with it more adequately than I can.

Mr. R. F. Johnston: In that context, there is the question of the board also being caught. Given again these people's instability of life as they are waiting, if somebody happens to be employed by the time his decision comes through, I understand the board cannot necessarily order back-payment of moneys to that individual if he is no longer on assistance at the time the decision is made. Is that accurate?

Dr. Burke: The board decision refers to an earlier period and it would be difficult to answer hypothetically. One has to remember that the board cannot take account of present circumstances; so the board itself would not be concerned that the person is now working. It would be looking at the decision made usually a few months before, and so any ruling would refer to that period.

Mr. R. F. Johnston: Another case on overpayments was raised with me, the Kimball decision in Divisional Court, January 31, 1985. We were informed of the decision of the Reichstein case where the Division Court ruled: "The board has no function to perform in connection with the decision to recover an overpayment unless there is to be a cancellation or suspension in whole or part of a benefit that is to be paid." Was that not the case where the person was then later working?

Dr. Burke: I am sorry, I am not familiar with that.

Mr. R. F. Johnston: Perhaps we can get that from the income maintenance people.

Dr. Burke: That raises the issue of overpayments. The board has taken the line that it would not be concerned about the recovery. As to whether the overpayment occurred or not, it would only be fair if it is within this time limit for the board to look at it because there is nobody else who would look at it. The courts may rule against us, but this is the policy we have adopted.
5:50 p.m.

Mr. R. F. Johnston: Finally, one thing comes up a lot that I presume you consider as big a problem as I do. In the case of a welfare recipient making real efforts to look for work, one welfare administrator could take a different view of what that constitutes than another and the board has ruled that whatever the director determines as

adequate is adequate. That creates some problems. Have you any suggestions on that?

You can have somebody doing six job searches in one area and one in another. The one area may be deemed adequate and the other six not; yet the board will rule—generally speaking, as far as I know—on the director's determination of what looking for work really is and will not try to change that.

Hon. Mr. Sweeney: That would at least partially be a factor of the economic conditions in various areas. There is no doubt there are certain areas of the province right now—let us take Sault Ste. Marie—where a job search would mean something very different from one in the city of Toronto.

Mr. R. F. Johnston: Of course, but the point I am making is not whether that may be the case. The question is whether the board has any right to challenge the accuracy of the director's assumption. My understanding is that the board must accept the local director's opinion on that in policy terms, and that is how it ruled on a number of cases. There is one I can quote for you, if you would like. I think that is a problem.

Hon. Mr. Sweeney: I do not know that. I do know that it certainly makes sense to recognize different requirements in different municipalities, depending upon the economic conditions, just as the Unemployment Insurance Commission does.

Mr. R. F. Johnston: Sure, but do you recognize their quasi-judicial powers to make a decision on it? That is the key. Do you say, as we do with the whole learning disability thing, that if the school board says, "We have a program," it has put them in a box?

Dr. Burke: It is a very difficult situation, one in which we have found ourselves caught between not wanting to be more liberal but wanting to take all factors into consideration, and looking at the acceptable practice in a particular area which has been deemed to be reasonable. We are caught between the two extremes you have mentioned and we are not always able to be consistent, which is really the problem.

Mr. R. F. Johnston: Exactly. Thank you, Mr. Chairman. I apologize for taking so long on this issue, but as you may have gathered, it has been something which has been a long-standing kind of fight. I thank you for being so forthright with your responses, Dr. Burke.

Mr. Baetz: I have a few brief questions by way of supplementary.

First of all, I would like to go on record as part of the official opposition here to say that I agree completely with Mr. Johnston. He did not use the phrase, but certainly justice delayed is justice denied. We all know that. The board's delay in reaching decisions for some of these most vulnerable citizens of our society is really a very serious matter.

I am delighted to hear the minister say that in three months' time we are going to have—he crosses his fingers, I see—a review and some recommendations which I gather should improve this particular situation.

He has referred to the previous administration. In that regard, I would simply say that you celebrate your first anniversary tomorrow, so now is the time for looking back.

Hon. Mr. Sweeney: We accept the responsibility.

Mr. Baetz: Yes, that is exactly it. That is right. I am glad you do.

Hon. Mr. Sweeney: We had deliberately not referred back.

Mr. Baetz: Yes.

The other thing is the reason for the delay. I am still not quite clear in my mind why it has taken such an inordinate amount of time to reach decisions on these cases. However, I did not hear you say why, although maybe you intended to say it and forgot about it.

Is it because of lack of logistical support for your review body? Do you not have the funds to put the people in place to speed up these reviews? Is that one reason or is it not? Would you not regard that as the major reason? You can always do better with a little more money, I know.

Hon. Mr. Sweeney: That sounds like a leading question, Mr. Chairman.

The Vice-Chairman: I have nothing against leading questions. Otherwise, no one would say anything around here.

Dr. Burke: If I may answer, I do not think that we could in all fairness at the present time raise finance as being a problem. I will explain that.

Up to the past year, the board has had to go back to ask for money to meet its budget. If you look at page 5 in the estimates, it is quite clear that our estimates for each of the last few years and our actual expenditure are very different. This meant that there was a certain period when the board had to—I do not want to say slow down its activities—be very much aware that all depended on getting the additional funds to meet its actual expenditure.

This year actual expenditure has been taken into account and is much closer to what the board needs. This is perhaps a rash statement for an administrator to make here. It appears that we do have the finances to meet the needs we now recognize in terms of our budget.

Mr. Baetz: Fine. The other question I have is on the nature of the reviews. Again, Mr. Johnston pointed out, and I again agree—I have to be careful about agreeing with him too often; that bothers me—

Mr. R. F. Johnston: Well go and get help.

Mr. Baetz: The whole approach of reaching decisions with the clients through this system seems to be rather different. It may be subtle, but it is certainly different from Workers' Compensation Board or unemployment insurance cases. There it is so obvious that their rights are written right into the law.

I guess we are generally very slow as a society in recognizing that the rights of the clients you are dealing with are also based on law and that they do have rights. It is exactly the same way that an unemployment insurance or workers' compensation client or anybody else has rights. Maybe this famous review is going to reflect the new kind of social thinking more accurately.

Hon. Mr. Sweeney: Shades of the Ottawa social planning council.

Mr. Baetz: I guess that is it.

The other thing I want to comment on very briefly is that the same statistic hit me between the eyes. You ruled in favour of and granted as being permanently unemployable 62.9 per cent of the cases that came to you. We have been wondering why that is such a high figure. It certainly is a very high figure for an appeal board of any kind.

In one way it is a good thing, but it is bothersome that it is so high. It suggests to me that there is something wrong within the administration, the system, that so many of these cases should be referred to the board.

Hon. Mr. Sweeney: Mr. Baetz, may I intervene for just a minute? I felt a little uncomfortable when Mr. Johnston was pursuing that line of questioning.

We may be misinterpreting what that 62 per cent means. It is not 62 per cent of that kind of case. You have to go over a three-page area. It is 62 per cent of all the numbers in that column. If you look immediately over, 960 cases were denied; yet that 960 represents only 35 per cent of that column.

It is a percentage of the column, not a percentage of the cases. It is a misinterpretation of what the percentage figures mean.

Mr. R. F. Johnston: You go to the end if you want to know what is happening.

Hon. Mr. Sweeney: I am not saying it is not a big number, but it is only a big number because those numbers of cases are a big number compared to the whole column.

Mr. Baetz: It is still a big number, though.
6 p.m.

Hon. Mr. Sweeney: But surely you will appreciate that if it represented 62 per cent of all the cases, the 35 per cent could not possibly represent the 960 cases. That does not make sense.

Mr. Baetz: Exactly.

Mr. R. F. Johnston: Of the 1,400 cases—

Mr. Barnes: The vast majority are permanently unemployable issues.

Hon. Mr. Sweeney: That figure is high because it is a percentage of the issues dealt with. It is not a percentage of granted and denied.

Mr. Baetz: The fact that this particular category still represents such a high percentage of the cases being dealt with suggests to me something that needs to be looked after in the system. It is probably a reluctance on the part of case workers to declare somebody permanently unemployable. There is always a concern about that.

Hon. Mr. Sweeney: A medical decision is also involved.

Mr. Baetz: The medical decision was the next point I was going to make. My professional bias is showing. Of all the serving professions, the medical people are probably about the worst to make a decision on whether a person is—

Hon. Mr. Sweeney: Shades of doctor-bashing.

Mr. Baetz: You are the doctor-basher. I have had experience in this. They tend to look at an individual strictly in medical terms, in terms of scientific or physical medicine. If one might refer to another profession, a social worker tends to look at the total person and the environment in which that person is living and has lived in the past. Social work is one profession, and there are others, in which you can reach a more judicious and fair decision. The final question I have here under—

Hon. Mr. Sweeney: You do not agree with that, Mr. Johnston.

Mr. R. F. Johnston: Medical types; I would rather not comment on the social workers.

Mr. Baetz: Many of the cases where a decision cannot be reached under the Workers' Compensation Board move on to the Ombudsman. I know the children's aid societies are not eligible to go to the Ombudsman and I believe local general welfare assistance is not. Are family benefits cases eligible to be referred to the Ombudsman?

Dr. Burke: Yes.

Mr. Baetz: How many do you refer, where you decide that somebody does not—

Dr. Burke: We do not refer them. The legal worker goes to the Ombudsman on behalf of the appellant. In addition to our regular work, we have requests for reconsideration and appeals to the Divisional Court. On April 1, 1985, there were 22 cases pending with the Ombudsman. Thirty-three investigations were opened during 1985-86; 22 unsupported cases were closed and 11 withdrawn or abandoned. Twenty-two cases are pending as of April 1, 1986. That is another area of board activity. We do not initiate it.

Mr. Baetz: Do you inform people who come before you that this is another forum open to them if they do not agree with your judgement?

Dr. Burke: We first offer reconsideration, which is within the board's jurisdiction, and then advise them of the right to go to Divisional Court. We also need to make our own services better known. We do not usually advise them of the right to go to the Ombudsman.

Mr. Baetz: I wonder whether it might not be almost routine at least to inform your cases that if they do not agree with your decision there are other forums and instruments under the governmental aegis that could deal with their cases. For instance, does every case worker give this pamphlet to—

Dr. Burke: Everyone gets it. We also send it out so the appellants get it.

Mr. Baetz: I notice there is no mention of the Ombudsman.

The Vice-Chairman: For those who are interested in figures, I have been figuring here, and if you are appealing on the grounds that you have been denied in the permanently unemployable category, the chances are not particularly good. It is about seven to three; about 30 per cent are granted. Is that of interest to you, Mr. Baetz?

Mr. Baetz: Yes, it is. How does that compare with the others?

The Vice-Chairman: It is interesting. If you have some other kind of complaint or problem, 24 per cent are granted. Your chances are a bit worse. Some of these other categories are fairly peculiar, though, and there are not many in the sample. I have a question for you, Dr. Burke, before you go away from the chair. You indicated that one of the reasons there was a delay in decisions of up to 118 days was that you were waiting for court decisions. Can you amplify that?

Dr. Burke: I can think of one case that was held, waiting on decisions of the court, because eight similar cases were going to be heard in Divisional Court.

The Vice-Chairman: Were they in progress through the courts?

Dr. Burke: Yes, and we waited until the results came. I use that as an example.

The Vice-Chairman: Why would you do that?

Dr. Burke: There were eight similar cases that depended on the resolution of the same issue.

The Vice-Chairman: Do you not find it a bit odd that you would stall a case while something was going through the courts? Should you not have decided on the basis of the law of the day? Were you hoping the courts would make more liberal decisions?

Dr. Burke: Fair decisions, if those could be interpreted as liberal.

The Vice-Chairman: Can you tell me what percentage of the appellants in whose cases the decision was long delayed got interim relief, some dough in the meantime while they were waiting? I did not see that in the statistics. I understand you can apply for that.

Dr. Burke: That is so. If I can take a minute, I will be able to give you that. Would all members like a copy of this? We have comparative statistics on interim awards, in which people may be interested.

The Vice-Chairman: I am sure people would be interested in that. Would you care to speak to these statistics?

6:10 p.m.

Dr. Burke: I will begin by saying that, in addition to appeals, conducting hearings and producing notices of decisions, we have applications for interim assistance. I say, with pride, that we have been able to improve the turnaround for interim assistance. We average 24 hours between request and mailing. We give priority to considerations for interim assistance because we realize

that we are dealing with many people who are in need and cannot wait. While I am not trying to counter the negative comments about the delays in notices of decision, I point out that this is an area to which we give priority, and I am very pleased to be able to give that information.

In terms of percentages, Mr. Chairman, which was your question, we have a comparison between 1984-85 and 1985-86. We carefully consider, although we do not have investigative power, the circumstances of the appellant in making the award. In 1984-85, 67.8 per cent were granted. In 1985-86, the overall percentage granted was 63.9 per cent. I would like to speak to that apparent drop.

There are many instances when we have to separate completely the application from the application for interim assistance and we have made every effort to do this. I think one of the cases that went to the Ombudsman accused us of having taken into account the issue the person was appealing—for example, if it were assets—and not granting interim. We have made every effort to separate those wherever possible.

We have a fair number of cases where people are sent to us but where no decision has been made. Some people come to our office and we find they have never even applied elsewhere. We find, especially on a Friday, that many people will arrive at the office and apply for interim. When we look into it, we do not have any case before us. Unless they have appealed a decision that has already been made we cannot consider them for interim. This gives you some of the perspective in terms of our work on interim awards.

I mentioned previously that we do not have investigative power. However, in arriving at a decision to grant or deny, for whatever period is involved, we have to make inquiries. We try to be very careful about this, to make sure that the persons who are in dire need do get assistance. The difficulties over the past year have meant that we have given priority to people who are in need of food and shelter and have no other means of helping themselves.

The Vice-Chairman: Are there any questions, members of the committee? Seeing none, I thank you for being here today, Dr. Burke. Perhaps we now are ready to take the vote on item 9.

Item 9 agreed to.

The Vice-Chairman: Does anyone want to make a remark about statutory budgets?

Vote 2901 agreed to.

On vote 2902, adults' and children's services program; item 1, policy and program development:

Mr. R. F. Johnston: Depending on how you want to deal with this, Mr. Chairman, I would be happy to leave these early main line items and get down to the individual policy areas.

The Vice-Chairman: All right.

Item 1 agreed to.

Items 2 and 3 agreed to.

Mr. R. F. Johnston: As a point of courtesy, you did hold open some items for me when I was away—

The Vice-Chairman: We did that, yes.

Mr. R. F. Johnston:—even though they were not ones I particularly wanted kept open. I am not sure what Mr. Cousens desires here, in that he did have an engagement he had to go to. Can we pass these and consider reopening them for him if he has any problems? I do not mind rushing through these.

The Vice-Chairman: Yes. We will vote on vote 2902 ultimately, and if he wants to reopen any of the items we will be happy to do so.

Mr. R. F. Johnston: All right.

Mr. Baetz: I believe he thought we would be on the Social Assistance Review Board for the entire session today. I do not think he anticipated getting into this area. I must say I did not talk to him about it.

The Vice-Chairman: From his comments he is quite interested in item 4. In fact, I expect we will talk out the clock on item 4 today, since it is 6:20 p.m.

Mr. R. F. Johnston: There is a chance.

The Vice-Chairman: Let us begin.

On item 4, income maintenance:

The Vice-Chairman: There is a fair hunk of change here.

Mr. R. F. Johnston: This is the big bucks.

Hon. Mr. Sweeney: It is about half the total budget. It is a fair hunk.

Mr. R. F. Johnston: Can we do a lot of these parts together? This is the summary page, but maybe we can deal with all the following sections by lumping them together. It might be as easy as anything else.

I dealt with this a fair amount in my opening remarks. I presume most of the things I covered are things that you were saying the review would be looking into, and you will not be moving on independently until the review, or some new

subsection of the review that perhaps I am not aware of.

Hon. Mr. Sweeney: There are only two parts.

Mr. R. F. Johnston: There are only two parts? Okay.

Hon. Mr. Sweeney: No more surprises.

Mr. R. F. Johnston: I talked a lot about the overall number staying high, but I wonder whether we can go to some of the specific areas, like work incentive cases for a start, and talk a little about that program. We have all been in favour of the idea of assisting women on family benefits.

Hon. Mr. Sweeney: Which page are you on?

Mr. R. F. Johnston: Page 38 is probably the easiest line item to work from, although there are other references to this in some of the other statistics.

I have always been disappointed with the very low percentage of people taking up the work incentive side of things. For a while it was the only program we had. Of course, within the integration pilots there were other variations on it. I have often been interested in knowing: (1) why the take-up is so low; and (2) whether in these figures we are seeing—

We have now had several years. I forget the first year this started. I think it was before 1981-82, was it not?

Hon. Mr. Sweeney: The Win program goes back to 1979.

6:20 p.m.

Mr. R. F. Johnston: It is 1979? It did not change much during the first few years, as I recall. The numbers were about 1,200 to 1,600—something like that; I cannot quite recall it at the moment.

We have had a chance to watch the program for a large number of years. One of the things I was concerned about when it first began was the possibility that, once they got into the employment area, because of the nature of the ceilings in the program these women would get into low-paying jobs with very bad security and that during hard economic times, such as we have have just been through, they would have high vulnerability to becoming marginalized and go back into the system again.

Has any work been done to trace what has happened to those cases? How many of them have gone back on family benefits? How many of them have to this point—and we hope for the long term—escaped the marginalization that Peter Townsend, for instance, talks about in his work on poverty in Britain? Are they in and out of

family benefits? Do we have a breakdown of statistics on what the turnover is, how many people fall by the wayside and how many last?

Mr. Barnes: Do we have statistics on how many people come out of the work incentive program? This is Mark Woollard, from our income maintenance branch.

Mr. Woollard: We have some preliminary statistics that were done about two years ago of all the sole-support mothers who had come on the Win program during the first two and a half years. I believe that is the time period we looked at. As of that date, we were looking at where they were, and 70 per cent were no longer on either Win or family benefits. There was no attempt to track those individual clients to find out what jobs they were in, where they had moved and so on. They were simply not known to our program any more, and we could only presume they had found some type of income support that was sufficient to leave them no longer in need.

The turnover for the disabled clients on the program is much lower. They are not as successful at moving off the Win program, and so a number of them have been on it for a fair length of time.

Mr. R. F. Johnston: What kind of percentages did you have there when you did that?

Mr. Woollard: Compared to the 70 per cent who have gone off both programs, the disabled were something in the order of 30 per cent to 40 per cent. However, I am just pulling this from memory; I would have to doublecheck the figures. I could be wrong on that number.

Mr. R. F. Johnston: Was this for 1979-80?

Mr. Woollard: This was looking at anyone who came on Win during its first two and a half years of existence, 1979 through late 1982.

Mr. R. F. Johnston: When was it was done?

Mr. Woollard: The where-are-you-now question was asked in late 1984, I believe. There are currently about 2,600 active cases in the program, 80 per cent of whom are single mothers.

Mr. R. F. Johnston: That was one of my other questions. You have not built in systematic tracking. You had to do that as a special project a couple of years ago, and it has not been done subsequently to see what has happened.

Mr. Woollard: Once a client is off both Win and family benefits, we no longer have a reason to track him or her unless we have a special study and so on.

Mr. R. F. Johnston: I understand that, but is there no mechanism for noting that somebody has come back into the system again, apart from that one study? Are we not programmed to be able to identify somebody who comes back now, in 1986, who might have been off for a year or whatever?

Mr. Woollard: It is possible to do that. We have not done that.

Hon. Mr. Sweeney: The new CIMS (comprehensive income maintenance system) computer program would contain everybody who is in the system at any one point, but would it also contain back data? I do not think so. Once people go off, they are out of the system, are they not?

Mr. Woollard: Yes. What needs to be done is a very expensive and time-consuming matching of individual monthly tapes to arrive at that kind of information, but it can be done. It is technically possible.

Mr. R. F. Johnston: It is too bad it is so expensive, because it seems to me that, as a social policy tool, it would be very useful to have an ongoing tracking of who is going in and out of the system to know whether these people stay employed, become spouses of somebody who is employed or whatever the situation may be.

It comes back to my first point, which was that we have 2,600 participants in this program at the moment. If you actually have something that in the long term has a 70 per cent success rate, it could be something in which we might want to invest even more dollars in time.

Mr. Woollard: I want to point out that there is another subsystem. As I was speaking I remembered it, but I did not get it in. There is a subsystem that has very minimal data on clients: basically family size, client identification number and a couple of other parameters that I just do not recall. That is kept up on a quarterly basis through time, so there is a way of identifying simply whether a case has come back on the system without doing the matching of the full social assistance tapes. I am correcting myself. There is that mechanism, which is not as costly as matching full tapes.

Mr. R. F. Johnston: I would really recommend it to the ministry.

One of the things I mentioned in my opening comments, my traditional opening rant on this subject, is the lack of ongoing statistical information out there and available to people, on who is on welfare at a given time even.

That kind of delay has always been very annoying to deal with as a critic, but it does seem

to me that if we had it on an ongoing basis, even on a quarterly basis, to be able to review the success of programs such as this, even by those rough measurements, it would be a very useful tool to a minister who wanted to get more resources.

Hon. Mr. Sweeney: The only small problem I see is that once they are no longer our clients, if I may use that word, I do not know what justification we would have to keep track of them.

Mr. R. F. Johnston: You do not need to. I want to know only whether they come back on. It would be fascinating in a sociological sense to know—

Hon. Mr. Sweeney: So it is the exceptions.

Mr. R. F. Johnston: Yes. In this case, if you have 70 per cent who have stayed off welfare in a three-year period and if that is consistent all the way through and does not reflect just a weighting to the second part of that, then you have something that is turning around trends that a lot of us presume, in the mythology of poverty, to be true: that is, the poor will always be with us, you cannot help some of these people, etc. This would be in real defiance of that and would be very important in social terms.

Hon. Mr. Sweeney: I do not know whether Mr. Woollard has any statistics on the employment support initiatives program, but the directors I spoke to in the municipalities I visited have indicated very clearly that the success rate is in this kind of range. This was a remark somewhat off the top of the head, but their sense was that the success rate of that program was similar to the figures Mr. Woollard has just given. I do not know whether he has statistics on this.

Mr. R. F. Johnston: I see the chair wanting to recognize the time. I understand that.

I would love to know more about the part-time and full-time elements of this, the actual salary or income levels those people went on to, to get an idea—again, for your purposes and from our discussions in the past—of how we help the working poor on a longer-term basis. That is where I see problems of tracking. Once they are actually off any dependence on the system and may be living in near poverty, we lose track of them.

The Vice-Chairman: Thank you, Mr. Johnston. It being 6:30 of the clock, we shall adjourn this meeting until June 26 after routine proceedings.

The committee adjourned at 6:30 p.m.

CONTENTS**Tuesday, June 24, 1986****Ministry administration program:**

Information services S-427

Social Assistance Review Board S-427

Adults' and children's services program:

Income maintenance S-446

Adjournment S-448**SPEAKERS IN THIS ISSUE**

Baetz, R. C. (Ottawa West PC)

Cousens, W. D. (York Centre PC)

Johnston, R. F., Chairman (Scarborough West NDP)

Reville, D., Vice-Chairman (Riverdale NDP)

Sargent, E. C. (Grey-Bruce L)

Witnesses:**From the Ministry of Community and Social Services:**

Barnes, P. H., Deputy Minister

Burke, Dr. M. E., Chairperson, Social Assistance Review Board

Sweeney, Hon. J., Minister of Community and Social Services (Kitchener-Wilmot L)

Woollard, M., Policy Analyst, Family Support and Income Maintenance Unit



Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development

Estimates, Ministry of Community and Social Services

Second Session, 33rd Parliament

Thursday, June 26, 1986

Speaker: Honourable H. A. Edighoffer

Clerk of the House: R. G. Lewis, QC

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, June 26, 1986

The committee met at 3:54 p.m. in room 230.

ESTIMATES, MINISTRY OF COMMUNITY AND SOCIAL SERVICES (continued)

On vote 2902, adults' and children's services program; item 4, income maintenance:

The Acting Chairman (Mr. Martel): I am the chairman and I will bring the meeting to order. We are on vote 2902, item 4, income maintenance. I hope things have changed since I used to be critic and that there is a lot more money now for the recipients of this program.

Mr. R. F. Johnston: Do not hold your breath.

The Acting Chairman: I am not sure I should recognize you. Who had the floor at the time of the adjournment?

Mr. R. F. Johnston: I did.

Mr. Cousens: What vote are we on?

The Acting Chairman: Vote 2902, item 4.

Mr. R. F. Johnston: We were dealing with them as a group under vote 2902, income maintenance, going back to take the votes if necessary, one by one.

Because this is my last day here and I will not be available for the remaining four hours next week that the critic for the official opposition will be able to monopolize, I wonder whether I could raise some issues that will cross a number of lines and not just stick with the one in hand in the time the critic allows me today. Therefore, the critic could start on income maintenance and then I could move to other matters I would like to cover in the hour and 15 minutes available to me.

Mr. Cousens: What can also happen is that as you touch on certain issues around other parts, I might want to—

Mr. R. F. Johnston: I prefer you to take your hour and 15 minutes any way you like at this point, starting with this item. Then I would like to take my hour and 15 minutes so I can be sure to cover the things I want to. You will have another four hours to monopolize things and deal with anything you wish, if you choose to.

Mr. Cousens: I am quite open to anything, but the potential danger is if—

Mr. R. F. Johnston: We will not be passing any line items. You can go back to anything you want afterwards.

The Acting Chairman: I do not see any problem in sharing the time and then going back to any item if you are dealing with it as a block and then taking the vote. It seems to be a rather simple thing to do. Divide the time equally and you are allowed to raise the matters you want.

Mr. Cousens: There is just so much that we have to do, but that is fine.

After I looked at the report released by Mavis Burke, a question on table 12 arose that perhaps the minister can answer. I am talking about the marked decrease in the number of appeals denied. It is column 4 and well outlined.

Hon. Mr. Sweeney: And the corresponding increase in appeals granted. Is that your question?

Mr. Cousens: Yes. In the appeals-denied column, what are the factors in this?

Hon. Mr. Sweeney: One of the things you have to keep in mind is that as these processes continue, we learn from them too. Dr. Burke observed that as new cases are heard by the courts and new decisions made, they become part of the process of future decision-making. It seems reasonable that, as the courts rule that certain forms of denial by the director or the board are not acceptable in justice or in defining the law, the board will obviously take those into consideration when it makes future decisions.

Mr. Cousens: I have trouble with that. It came through when I started looking at this afterwards. Why are some of the appeals being denied? What would be a percentage breakdown for those different ones?

Hon. Mr. Sweeney: Keep in mind that a local income maintenance director, working either for the province through family benefits assistance or for the municipality through general welfare assistance, makes a decision based on how he or she translates the statutes and regulations. An objection to that goes in an appeal before the board. More often than not the board will uphold the director because it has the same statutes and regulations before it.

I understand that an appeal is granted when the board decides that the director interpreted wrongly, made an incorrect judgement or did not take certain facts into consideration. In my opinion, it would be more unusual if the board did not

support the ruling of the director more often. If I can give you a parallel situation—

Mr. Cousens: You are off on something else.

Hon. Mr. Sweeney: You must be after something else.

Mr. Cousens: I am. I would like more examples of why appeals are denied.

4 p.m.

Mr. Barnes: We can bring Dr. Burke back next week, but a large majority of the cases heard, granted and denied rely on evidence. It may be just an issue of evidence.

I have a few points to make on the reduction in numbers. First, particularly in the last two years, 52 legal aid clinics have presented on behalf of clients in a number of cases, which has probably enabled them to make better cases.

Mr. Cousens: Yes, that is true.

Mr. Barnes: Second, I believe a higher proportion of better cases is coming forward.

Third, we talked yesterday about the drop in the number of appeals. I believe we have better internal processes to make sure people do not have to appeal unnecessarily.

I just do not know about the reasons for denial. I would have to ask Dr. Burke.

Mr. Cousens: I do not want Dr. Burke to come back. I would be quite satisfied if you were to just pass that question on.

Mr. Barnes: Sure.

Mr. Cousens: Given that Dr. Burke was not anxious to answer, I would be very interested in having an expansion of what the man-in-the-house rule is. I would not mind getting a clarification on that one from the minister, deputy or staff.

Hon. Mr. Sweeney: We have some expert authority here, but let me make one preliminary statement. Our system is based upon certain eligibility requirements. There is an eligibility for a disabled person. Obviously, you have to be able to prove you are disabled. There are periodic checks to be sure you continue to be disabled and therefore qualify.

One of the qualifications is that you live as a single person with dependent children. When that status changes, a decision is made that you are no longer living as a single person and are therefore no longer eligible under the rules. That triggers the reduction of your family benefits allowance; that is when the appeals and all these things come in. Once again, it is often a judgement call on the part of the local director.

We had indicated earlier, on the basis of previous court cases, particularly the Warwick case of about 1978, that certain criteria had to be considered—conjugal, sexual, economic and a couple of others.

Mr. Cousens: I want to know them all.

Hon. Mr. Sweeney: Yes. There are five.

The Acting Chairman: May I intervene? Would the witness identify himself for Hansard, please?

Mr. Stapleton: John Stapleton, from the ministry.

Hon. Mr. Sweeney: I want John to go into some detail on that, Mr. Cousens, but basically the issue hangs upon that eligibility requirement. When that eligibility status changes, we trigger in a reduction in the payment and the potential appeals. John, would you go into more detail on that, please?

Mr. Stapleton: Yes. What we have right now, basically, is a two-part sequential test established by the courts. The director must make a *prima facie* case that someone is no longer residing as a single person. The director must prove that the person is residing with the appellant—with the applicant or recipient. Then the onus of proof actually switches over to the applicant or recipient, such that she has to prove that person is elsewhere.

Once it has been established that the person resides with the applicant or recipient, we look at the nature of their relationship. That person could be a boarder, housekeeper, friend, etc. We are therefore looking at a person who has, as the court has put it, the badges of the relationship, which are the five established by the Warwick case in 1978. This, incidentally, was an appellate court case and is therefore considered to be the precedent law, as I understand it.

The five criteria are social, familial, conjugal, economic and sexual.

Mr. Cousens: How do you define sexual as opposed to conjugal?

Mr. Stapleton: Conjugal is commonly defined as having to do with marriage. The sexual part of the relationship is probably a specific subset of that.

Mr. Cousens: How are each of these identified through the investigations and reviews of relevant situations?

Mr. Stapleton: There are a number of ways to establish someone's residence as being at the home of the applicant or recipient.

Generally speaking, a Ministry of Transportation and Communications check would be used to see if the person's driver's licence gives the same address. Then you would look at such things as a credit pay check, as well as checking with his employer. You would perhaps talk to people who live nearby and know the applicant or recipient, to see if that information jibes. That sort of evidence would also be used to see whether the person actually resided there.

When you are looking at the nature of the relationship, you look at such things as their social relationship. Are these people, for example, represented at clubs or at church? Are they considered as husband and wife by their friends? Do they have a joint chequing account? You would determine, from interviews with friends, whether they have that type of relationship.

The sexual part of the relationship has been largely played down in recent years. The only positive proof of a sexual relationship, of course, is a child born of the applicant and the alleged spouse.

The familial side could be the relationship of the alleged spouse with the applicant or recipient's children, for example. Perhaps the conjugal side of the relationship would come through in interviewing the spouse or the applicant or recipient.

All these types of proofs are used. I should emphasize, too, that the eligibility review officer, in looking at that in the first place, is required to state his or her purpose in interviewing the client.

Mr. Cousens: How many reviews of recipients are done within a year? What would be the percentage of instances where a person's eligibility changed because of the imposition of this rule?

Mr. Stapleton: I can give you some statistics from my recollection.

Of the approximately 25,000 people who have had their benefits terminated, say, during a recent 12-month period, approximately 10 per cent of those had their benefits terminated as a result of not living as single persons under law.

However, it is important to distinguish between voluntary withdrawal and someone actually being terminated for assistance, because we do not make a distinction with respect to voluntary withdrawal. They can appear as the same reason on the form. An educated guess would put at approximately 60 per cent those whose benefits are terminated because of voluntary withdrawals.

Mr. Cousens: How many complaints would you have in a month, let us say, from people who are provoked or unhappy at the way questions were asked about their status in this regard? In other words, do you keep a record of people who have been offended at the way the questions were raised or followed through with regard to this man-in-the-house rule?

Mr. Stapleton: I know of no record of that. Sorry.

4:10 p.m.

Hon. Mr. Sweeney: Mr. Cousens, may I interject for one minute? Part of the dilemma our staff faces in the cases that have appeared before the courts is that you require lots of evidence to prove your case. Do not tell the judge you "guess," or you "think," or "it would appear." The judge is saying, "I want evidence." On the other hand he also seems to be saying, "Be very careful how you impinge on people's privacy in getting that evidence." It is a double-edged sword.

Mr. Cousens: I realize that. I know the rules but I guess it has to do with sensitivity and the way an investigator, or someone else following through, handles it. Is a training course provided for people who do this investigation and if so, what does it consist of?

Mr. Stapleton: There is a systematic training manual. We have an eligibility review officer manual which is publicly available. It has a specific section on how to conduct that type of investigation under the rule of not living as a single person. There are not only periodic training sessions for people going out centrally to inform those who work in the field at this level of what is happening in the courts, etc., there are also systematic training sessions taking place at the local levels throughout the year and refresher sessions.

Mr. Cousens: Are you satisfied that the manual is followed?

Mr. Stapleton: We have heard of instances where an eligibility review officer has not identified exactly why he is making an investigation. In most cases, if there has been a problem with someone who claimed 20 questions, so to speak, it has been corrected quickly.

Mr. Cousens: Is there an inspector over the inspectors? To what extent is the system reviewing the procedure? For instance, is there a way of checking to see that those people asking the questions are following the manual, or do you wait until a complaint is made and then respond to it?

Mr. Barnes: We have a decentralized organization structure and this whole area of income maintenance is one where an income maintenance supervisor reports to a district manager, who reports to an area manager, who reports to the regional director. We have a whole management structure with this specifically identified. We are conscious that this is a sensitive area and take a close look at it in terms of management, day-to-day operation, training and the individual worker.

Mr. Cousens: How many times a year is a person carrying out these interviews checked by management or his supervisor?

Mr. Barnes: That will depend on how good the manager thinks he is. They are in the same office and see each other daily. It is ongoing management supervision.

Mr. Cousens: There is no call for a once-a-year review?

Mr. Barnes: We have performance appraisals throughout the ministry.

Mr. Cousens: Is there not a once-a-year guaranteed supervised visit within that?

Mr. Barnes: Do you mean when the supervisor goes out with the worker?

Mr. Cousens: Yes.

Mr. Barnes: I do not know. There may be. I have been out with workers myself.

Mr. Cousens: I am just asking. Is there such a routine methodology?

Mr. Barnes: I do not think so. We do not think in that structural way. I know what you are saying but I expect the managers to exercise judgement around excellent employees, employees who may exercise problems and average employees, and apply appropriate management to them as necessary. I do not require that each person is accompanied by an income maintenance supervisor on a visit once a year.

Mr. Cousens: Do you find more complaints in one area than another in the province or would you say it is universal?

Mr. Barnes: Not to my knowledge. I do not think Mr. Stapleton can answer that either. I do not know of concentrations of complaints other than those relating to concentration of numbers. Obviously they will be proportionate.

Mr. Cousens: Are they following the same guidelines in all areas?

Mr. Barnes: Oh yes, the handbook is specific on that and we do ensure that it happens.

Mr. Cousens: If there is a complaint about this, if someone is unhappy with the way he or

she has been questioned and the way this has been followed through, how far up does it go? Does it reach deputy minister level, or does it go to the manager in that area?

Mr. Barnes: There are a number of ways by which people make complaints. A large proportion of the letters we get each month relates to income maintenance, to the level of benefits, and so forth. Complaints do reach us, as they do managers all the way down the line, and those that require an answer as to what has happened.

Mr. Cousens: There is no record, then, of the number of complaints coming in by location or general area, either at your level or at the regional level?

Mr. Barnes: In that sense, no.

Mr. Cousens: Are there any cases before the courts right now?

Mr. Stapleton: Yes. There are approximately 30 cases.

Mr. Cousens: How are they distributed across the province?

Mr. Barnes: The spouse-in-the-house cases have less to do with complaints about how staff behaved and more to do with the issue of whether a person should be taken off as a result of someone moving in with him or her. There is a particular case, the Beaudette case, which is due to be heard later this year in Divisional Court. It is the first Charter case on the spouse-in-the-house issue that has gotten this far.

Hon. Mr. Sweeney: At that level, what they are challenging is the statutes.

Mr. Barnes: I keep getting the phrase "spouse in the house" mixed up. I will call it not living as a single.

Mr. Cousens: Can you break down the 30 with regard to the methodology that has been used? Are you saying none? Have they all to do with the Charter-type item, or the legitimacy of it?

Mr. Stapleton: Of the 30, only one or two at the present time, including the one already mentioned, deal specifically with the Charter of Rights and Freedoms. The others would presumably deal with situations where it is claimed that the persons did not live with the applicants, or if they did, that the nature of the relationship was not considered to be spousal. I cannot say that they are all female cases.

Mr. Barnes: In other words, it is appealing the reason for it, as distinct from the methodology of it. It is evidentiary.

Mr. Cousens: Who initiated the cases before the courts?

Mr. Barnes: They go to the Social Assistance Review Board. If they are not satisfied with SARB, there is a further appeal through the legal process.

Mr. Cousens: Is that more or less than a year ago now? Is 30 the total number of cases before the courts?

Mr. Barnes: Relating to this particular rule.

Hon. Mr. Sweeney: I had a figure of 42 a year and a half ago. Does that ring a bell?

Mr. Stapleton: Yes, and I believe some of those cases have been settled. I do not know if you can make a direct comparison between now and a year ago. Some of the clients are awaiting that because it is coming up about the Charter.

Hon. Mr. Sweeney: Comparing the 30 and the 42, there does not appear to be a great discrepancy one way or another.

Mr. Cousens: Once it has gone to an appeal before the courts, are there any instances where there has been a settlement between the ministry and the client prior to the next level?

Mr. Barnes: I cannot be specific about that. I could imagine a situation where brand-new evidence was brought forward, which would allow that to happen. Other than that, I would not know.

4:20 p.m.

Mr. Stapleton: There are definitely cases where people have gone back before getting to the court stage. They may have dropped their cases; that has happened in a number of instances. There are also instances where somebody may have brought new evidence before us, going back to the Social Assistance Review Board for reconsideration and subsequently having benefits granted. There is that sort of flexibility.

Mr. Cousens: Is there an analysis of the number who go back to SARB? I will not pursue that. I am interested in the man-in-the-house rule, and you have given us some enlightenment on that.

I have a number of other questions on general welfare assistance, if I may. This may well have been raised by the member of the third party. Why are 18- to 20-year-olds who are considered dependants ineligible for assistance when a 21-year-old claimant under the same circumstances is eligible? Could I get some explanation on that?

Mr. Barnes: John, would you like to answer that one as well? If there is a specific answer to that, we might as well have it right.

Mr. Stapleton: An 18- to 20-year-old who lives in his own home and is unemployable—actually, starting at age 16 if he is unemployable and lives at home—can get an allowance in his own right. I want to be very clear about that.

If a person is employable, and lives in his own home, he is not eligible for an allowance until he turns 21. However, if his parents receive general welfare assistance, he will continue to receive an allowance as a dependent adult who is part of that family. An extra amount, then, is added to the allowance. However, not until he actually turns 21 and is employable is he able to receive assistance in his own home.

Mr. Cousens: If you look at the number of beneficiaries under GWA who are predominantly employable, on page 41, we are suddenly seeing something else happen. The rules are structured. Nothing can be done to change that. To go back to what has just been said, the answer is that you are going by the calendar. If a person is 21, it changes.

Mr. Barnes: If he is living at home with parents who are not otherwise on benefits, and is employable, not disabled or self-supporting.

Mr. Cousens: Did the minister indicate recently that he wanted to make some changes on that?

Hon. Mr. Sweeney: One point I was going to make, Mr. Cousens, is that many of the procedures used right now are based upon a time when there was a systematic pattern as to what happened.

For example, GWA was designed as a short-term program. It is run by the municipalities for people who are out of work for two or three months. The experience and evidence is now that there are people on it for longer than that. Where there used to be an average of two or three months, there is now an average of five or six months. I am sure that, in some communities, the figure is higher than that. That is the provincial average, however.

One of the things we are looking at in the review is whether the distinction between general welfare as a short-term program and family benefits as a long-term program is still valid. It may very well turn out not to be. Some other provincial jurisdictions do not have that distinction.

I am saying, basically, that a lot of the things now done are based upon decisions made at a

time when experience and practice were different. That has been part of the impetus for reviewing it all. It would appear as if some of our regulations and practices today do not relate to the day-by-day experience of our recipients, and perhaps need to be changed.

The normal practice in the past, with an employable 18- to 20-year-old person, was that he or she would be unemployed and living at home for a relatively short period, maybe five or six weeks, not even months.

Now, because of the job market and lack of skills in many cases, some of those young people are at home and unemployed for longer periods. That needs to be reviewed.

Mr. Barnes: Another point, a historical point of view, is at what point do you create a regulation that is an incentive for the child to leave home? In other words, if the person is 18 years old, or turns 18 and can get whatever he needs by leaving home, at what time does he become an adult?

These are all historical factors, some of which have survived the passage of time and some look a little shaky and have to be looked at in the context of current thought.

Mr. Cousens: I know they have to be looked at. The concern increases as the cycle perpetuates itself. We must find ways within our society to move people out of the cycle of dependency with the required balance. I am not sure how we can do it but I know your answer shows that you are aware of the problem and are at least considering it.

Hon. Mr. Sweeney: Can I make one other observation? It touches upon a number of things you have already raised or may raise. Much of our income-support system is based on the concept of family and the total assets of the family. It is not based upon the individual members of the family.

Going back to the issue you raised about living as a single person when it no longer is a single person but looks as if it is a family—however one defines “family” today; it obviously is very different from the way it was defined years ago. All the assets of that group of people who live as a family are considered.

The same thing applies in this situation. The 18-, 19- or 20-year-old is still living at home and is still part of that family unit. Therefore, the total assets of that family unit are taken into consideration in determining whether that 18- or 19-year-old should receive benefits independently, as if he were no longer part of that family. As John Stapleton said earlier, if there is a dependency

need for the family as a whole, that is why that young person would get help, as would the rest of the family. If there is no dependency need of the family as a whole then the present guideline, which may be changed, says he does not truly become apart from the family until he is 21.

That is a discretionary figure. I do not know who made that decision years ago but there must have been some basis for it. There may no longer be a basis for it. It is the concept of the total assets of the whole family unit, “family unit” meaning several different ways in which people relate to one another, not just a so-called nuclear family we hear so much about.

Mr. Cousens: A couple of things emerge from what is being said here. Many beneficiaries under GWA are predominantly employable, as indicated on page 41. I am anxious to know the measures being taken by the ministry to expand retraining programs, i.e. the work incentive program, because it is one way of breaking through the cycle.

Mr. Barnes: There has been a significant increase in the number of programs introduced during the past few years under the employment opportunities program where we have been spending \$14 million in new programming in 1985-86.

Mr. Cousens: How much is that over the previous two or three years?

Mr. Barnes: They were introduced about that time, so it is a significant increase. We were looking at \$14 million then but \$16 million or \$20 million this year as we introduce them.

Mr. Cousens: Would you expand on some of those programs?

4:30 p.m.

Mr. Barnes: There are employment support initiatives expansion, youth employment preparation, career access with Canadian job strategy, social service employment and summer part-time employment programs. They are a series of attempts to give people work experience and, at the same time, provide agencies and employers with an incentive actually to look at them long enough to keep them on.

We are in the first couple of years of introducing this. It is difficult to judge how successful it is at the end of the first year because we are paying the salaries in a lot of these instances in the first year. The retention after that is really going to tell us. At this moment, we are just getting to the stage where when we are getting enough people who have been on these programs for 12 months so we can see the

numbers that are going to be staying on in employment or finding it easier to get a job as a result of the experience.

Mr. Cousens: I have been very close to this program in my own riding and I have been very impressed by the work of the Y at our Richmond Hill site for south York region. I know that a number of young people now are getting into the work force.

Mr. Barnes: We are getting some very encouraging initial statistics. My only problem with initial statistics is that they are literally for two or three months duration and I would like to see more. I would like to see another year. We are going to be doing a fairly significant evaluation of this program, including our work incentive program and training initiatives carried out by our ministry. I think we have started the evaluation already. It will be taking place next year, so we will have a full evaluation and tracking of the impact of this. In fact, the evaluation will be during the next two or three years.

Mr. Cousens: In the interests of maintaining information for estimates, I am most anxious that some of the data you collect on this be distributed. I do not feel I am on all your mailing lists.

Mr. Barnes: I will see that you get the data. Under the employment support initiatives program, for example, we are very keen to get the data around because we would like more municipalities to partake of these programs and it takes a fair amount of convincing that it is worth the trouble and the effort. We are getting together statistics that demonstrate beyond doubt that it is. I hope they sustain themselves during the rest of the year.

Mr. Cousens: I see that as a very important thing and I think the initiatives we have taken during the past several years have to be accentuated and given support.

Mr. Barnes: I would like to make just one remark. I have gone around to 11 of our 13 offices in the past few months and the most encouraged people I have met in each of those offices have been the people working on these programs. They really are impressed by them.

Mr. Cousens: I do not think there is any doubt about it, but if I had worries it would be that what might well happen is that we are going to have some teething problems; even now, it is incumbent on your management and your people in the ministry to monitor it carefully. It could well require an additional investment of funding by

the ministry to help bridge the bridge and make it happen. You cannot predetermine the length of time it is going to take to get some of these people into new habits with a sense of morale, to give the employer a better sense and to allow the people who are guiding them into the programs to do the jobs they have to do.

Mr. Barnes: We agree with you entirely. Our intent is absolutely to look at what is most likely to get people into it and keep them there. We are doing a very extensive evaluation to identify what works and what does not.

Mr. Cousens: I am not surprised at the encouragement the staff people are having. I am just not hearing it from this level and that is why I am raising it.

Hon. Mr. Sweeney: Mr. Barnes, did you talk about the federal program?

Mr. Barnes: Just in passing.

Hon. Mr. Sweeney: Last September, all the provincial ministers of social services met with Mr. Epp, the federal minister, and negotiated what we thought was an agreement to allow greater flexibility in the federal transfer funds for social services. It is a 50-50 split under the Canada assistance plan.

Despite quite a number of efforts, as of about three weeks ago, when I met with my provincial colleagues, no province had signed an agreement with the federal government. We cannot get a breakthrough on the degree of flexibility that we think we require. The only reason I am mentioning this is that what you are talking about is happening in other jurisdictions as well. It seems fairly obvious that most provinces want to do what you just described, as do we. We said we are prepared to use our 50 per cent provincial dollars more creatively and more imaginatively, but that we also have to have permission to use the federal dollars in the same way because it is very clearly defined as to what we can or cannot do with them.

When that breakthrough comes, we are going to have a greater pool of resources to use for the kinds of bridging and transition you talked about, providing greater incentives in terms of the money we can flow for a whole range of reasons. At the moment, there is a holdup at the two levels of government and we are at a bit of a loss to know why. We made very clear that we were not asking for more money from them, that we were simply asking to be able to use a little more creatively the money we were getting.

Mr. Cousens: I am anxious to go on record as a strong supporter of the program. Moving inside

that cycle and helping people get out of it has to rank as one of the essential thrusts of our society. You are putting a hook in there and you are actually doing something. It cannot be rigid. If it takes extra dollars from the province and extra commitment from the deputy and the minister—you have the commitment from the staff level—to make sure that the funding, if it is not there federally, comes from somewhere, I think it will be of long-term benefit to our society. Failing to do so will relegate potential resources of our society to a place that is undeserving of where we are really trying to go.

Mr. Barnes: Can I correct a couple of figures I gave earlier on? When I said \$14 million and \$16 million, those were the net costs we spent after the money saved from the family benefits allowance and general welfare assistance that we would otherwise have spent on our clients. The gross figures for 1986-86 are \$26 million and our estimates for 1986-87 are \$36 million.

Mr. Cousens: That is better. I am glad you corrected that.

I want to go back, and Mr. Sweeney referred to it partially, to the fact that some jurisdictions do not have the duplication of bureaucracy that we have in this province in supporting two systems, general welfare assistance and family benefits allowance. You have people moving from one to the other. You suddenly have double the bureaucracy in the maintenance of both systems. Can you give me the number of sole-support parents on GWA who transfer to FBA on a monthly basis? What is the movement?

Hon. Mr. Sweeney: One of the changes that we have made recently in a number of municipalities—I believe five or six by this time and there are another 20 in the process—is to have an integrated program at the local level administered by the municipality so that single parents in particular can move from GWA to FBA much more quickly. Part of the problem in the past has been the two different bureaucratic processes these people had to go through: two sets of forms, two sets of counselling, two sets of interviews, the whole range. Where we have integrated municipalities, the evidence shows, and this is only going back now about a year and a half or two years at the most, that the reduction in time has been considerable.

Does anyone know offhand roughly how many single parents move on a monthly basis? Mr. Stapleton, do you have that figure?

Mr. Cousens: It is a good thing they have you here.

Mr. Stapleton: The amount is around 15,000 to 16,000 per year. The average single mother is on the allowance about 3.75 years to four years and we know there are roughly 60,000 single mothers in total on the family benefits program. To answer your question, it is about 1,000 to 1,250 per month. At any one time, there are about 15,000 single mothers on the general welfare assistance program and approximately 63,000 to 64,000 on family benefits.

Hon. Mr. Sweeney: Keep in mind, though, Mr. Stapleton, that there are—I do not know the numbers; perhaps you do—some single mothers on general welfare for just a short time who never go on to FBA. In the meantime, they get jobs and establish themselves and do not have to move on to it.

4:40 p.m.

Mr. Cousens: What is the percentage that goes from general welfare assistance to family benefits allowance?

Mr. Stapleton: We give the opposite percentage in the sense that we know that approximately 80 per cent to 90 per cent of all the mothers on family benefits have come from the general welfare assistance system. I realize that is not substantially what you were asking.

Mr. Cousens: That is okay.

Hon. Mr. Sweeney: Can I make one other distinction? Under general welfare, there is a search-for-work requirement. Single mothers under family benefits are not required to search for work. As the deputy minister has explained to you, we offer a range of support programs for those who voluntarily want to get off family benefits and find work, but it is not a requirement. That is an important distinction between the two programs.

Frankly, it is one of the things we are a little worried about with respect to some of the court decisions under living as a single person. We are afraid that the second advantage to some single mothers may get lost in the process. We hope it does not, but it is something that concerns us.

One of the advantages of the employment support initiatives, about which the deputy minister spoke a minute ago, is that they are also totally voluntary. Every single municipality is oversubscribed, which encourages us. At any one time, there are more people wanting to get on than we are able to process. That is where the new resources are going, to enable that to move forward more quickly. We have two things going for us. One thing always to keep in mind is that this is totally voluntary. Under the FBA, there is

no search-for-work requirement. At the same time, the incentives we are building in are considered advantageous enough for a significant number of people to want to take advantage of them.

Mr. Cousens: I am concerned about duplication at the administrative level. You are indicating that there is an effort to look at a way of integrating the two.

Hon. Mr. Sweeney: Yes. We have Thunder Bay, Peel, Peterborough and Waterloo. Has Durham gone yet?

Mr. Barnes: Not yet. That is one of the next municipalities.

Hon. Mr. Sweeney: Windsor is in the process of going. There are a number of them.

Mr. Barnes: There are seven pilot projects. We are moving on to other municipalities that have expressed a willingness to integrate in the next few months, probably in September or October.

Mr. Cousens: Will this then become more the norm?

Hon. Mr. Sweeney: Again, it is voluntary. We are not compelling any municipalities to take part.

Mr. Barnes: There is an issue that goes beyond this. We are looking at integration from an administrative simplification point of view: better service to the client, one stop, etc. However, we now have an external review. Do we need two systems? Surely we can simplify it.

Mr. R. F. Johnston: One provincial system.

Mr. Barnes: Exactly, one provincial system, but when we look at other provinces—

Mr. R. F. Johnston: That are delivered locally.

Mr. Barnes: For example, Alberta does this itself. Alberta is the size of Metropolitan Toronto. Can we deliver it better in Metropolitan Toronto than they could? Are we better off at the local level? We want to proceed with integration at the local level right now so that we do not spend the next period of time waiting.

Mr. Cousens: Have you analysed, assessed and evaluated the cost savings of integration, given the cost of delivery of the service?

Mr. Barnes: There is cost saving in the sense that we save on administration. It will not necessarily be because of case load.

Mr. Cousens: There is an administrative saving.

Mr. Barnes: Yes.

Mr. Cousens: Has that been analysed?

Mr. Barnes: Yes. That is part of the process of analysis with the seven pilot projects we have going. We share them with the other municipalities. I am not sure what the administrative saving is.

Mr. Cousens: Can you give me an idea?

Mr. Barnes: We put a lot of training and a lot of other things into it. I have no idea.

Mr. Cousens: It is the right direction.

Hon. Mr. Sweeney: I have two observations, Mr. Cousens. One is that there is a different historical background in Ontario compared to other provincial jurisdictions in terms of our long, well-established municipal base, which you do not have in other provinces. The other thing is that we have many fairly large municipalities, whereas some of the other provinces have only half a dozen large municipal centres. That is one of the reasons for that difference.

The other point to keep in mind is that even provincial jurisdictions with only one system have a short- and long-term division within it. Several of them have different rates for their short-term and long-term clients. It is a rather hidden way of having general welfare assistance and family benefits allowance; ours are up front.

Others say they do not have two systems. However, when our staff examine their systems, trying to find out how they work and what we can learn from them, we find that, internally, they really have two systems. It is not always as different as it looks on the surface.

Mr. Cousens: I am supportive of the direction and I think the service will improve. Nothing is ever perfect, but I think it is the right direction.

There is something on page 43 about the Ontario drug benefit plan, if I can move to that for a minute or two. I am looking at the number of claims versus the number of eligible beneficiaries in both the GWA and FBA categories. What are the eligibility criteria for the two?

Mr. Barnes: For drugs?

Mr. Cousens: Yes. Is that automatic?

Mr. Barnes: I believe it is automatic.

Mr. Cousens: I just do not know.

Mr. Barnes: It is automatic for both; free prescriptions.

Mr. Cousens: Why does the average number of claims for the beneficiaries differ so?

Hon. Mr. Sweeney: The beneficiaries are the children, are they not?

Mr. Barnes: No. With FBA, you are looking at handicapped people, the unemployed or unemployable for a variety of reasons that have to do with their health. You will see a much greater number of claims under FBA than under GWA.

Mr. Cousens: That makes sense. I want to give some extra time to Mr. Johnston, because I know he is anxious to get into it. I will just proceed to a few of the other votes, if I may, because we are both going to do it in a sort of freewheeling fashion.

I want to talk a bit about seniors under vote 2902.

Mr. Barnes: I am sorry. Which vote?

Mr. Cousens: I am just talking generally with regard to vote 2902, item 5, adults' social services.

There are about 18,000 retirement home beds in Ontario that neither receive direct provincial government financing nor are provincially regulated. Are you doing anything about that?

Hon. Mr. Sweeney: Excuse me?

Mr. Cousens: It is a known statistic that there are 18,000 retirement home beds in Ontario.

Hon. Mr. Sweeney: There are three kinds of accommodation. There are nursing homes under the Ministry of Health, homes for the aged under the Ministry of Community and Social Services, and what are called rest and retirement homes that do not come under any ministry.

Mr. Cousens: That is what I am talking about. They are called bootleg nursing homes.

Hon. Mr. Sweeney: That is your term. The report of the Minister without Portfolio responsible for senior citizens' affairs (Mr. Van Horne) indicated they would be coming under the licensing system of the province, but they are not now. The only licensing they are subject to is fire and safety through the municipality, but they do not come under any provincial program.

4:50 p.m.

Mr. Cousens: I was pleased to see that he indicated he is going to ensure some standards are brought in. However, I am disappointed that no action is being taken until an extensive study of the options has taken place. I think the problem has been well documented and I am worried about the time it is taking to get into this.

Hon. Mr. Sweeney: This has been a long-standing problem with rest and retirement homes. Even the owners themselves want to be supervised and licensed because they know they will get more money.

Mr. Cousens: When do you see this being resolved?

Hon. Mr. Sweeney: In a year. My deputy gulped when I said that.

Mr. Cousens: I liked your answer better than his.

Hon. Mr. Sweeney: Can we have a small conference?

Mr. Cousens: Do you have any influence on his time frame?

Mr. Barnes: I am totally commanded by the minister's time frame.

Hon. Mr. Sweeney: This one is not within our ministry. Perhaps that is what he was trying to suggest to me; that I do not have control over that because at present it does not come under either ministry. No decision has been made yet about which ministry it will eventually come under, whether it will be the Ministry of Health or ours.

Mr. Barnes: May I ask Gerry Duda to add a few words on this because he has been intimately involved in this area?

Mr. Duda: As you noted, the white paper mentioned a need to regulate the private-rest-home sector. There is no option around regulating. It is just who might do it, whether it is at the municipal or provincial level. The minister is correct. While a year may be an ambitious time frame, Mr. Van Horne has committed himself to that being one of the priorities of his staff. I think you will see various alternatives entertained and discussion with the municipalities in the months ahead, if it involves the municipalities.

A number of municipalities are very interested in becoming involved in the regulatory process, namely, Hamilton-Wentworth, Windsor and Ottawa-Carleton. There is a willingness there, and Mr. Van Horne and his staff will have to entertain all the various options and the regulatory modalities that he might want to move on.

Mr. Cousens: It is getting studied to death. There needs to be some action.

Within this general area, I want to talk about the integrated homemaker programs, the seniors' community support services, and the \$11 million for community services. I would like to have an update on those community services if I could.

Hon. Mr. Sweeney: Where are you, Mr. Cousens?

Mr. Cousens: I think it was referred to in the budget.

Hon. Mr. Sweeney: Oh, the additional \$11 million.

Mr. Cousens: Where has the money been spent? It was to go in this area, was it not?

Hon. Mr. Sweeney: My recollection is that it is above and beyond what is in this.

Mr. Barnes: I have it here somewhere.

Hon. Mr. Sweeney: You will not find it in here, unless Gerry can find it. It was additional money that was given after this was printed.

Mr. Duda: As you know, the \$11 million comprised a number of components: expansion of elderly person centres; an expansion of our home support system such as Meals on Wheels and escorted transportation; a special project in remote northern Ontario, which was a community development exercise to develop services in the very remote, sparsely populated areas; and special projects related to the families and victims of Alzheimer's disease. The money was also used to enrich the funding formula for home support services. Originally, it was 50-50 cost sharing, but we are incrementally moving that to 60 per cent and next year to 70 per cent.

All those initiatives are now in the hands of the area office, and local arrangements are being made and funding has been committed. I do not have with me right now the breakdown by area and region, but we can give you a list of commitments made to date and the types of services that are being funded.

Mr. Cousens: How many of the 50 new elderly-person centres have been started up?

Mr. Duda: I have to check my figures, but I believe the commitment has been made for most of those. We have had, historically, at least in the recent past, a demand to expand that part of the service sector. I understand it has been readily taken up, but I will have to confirm that.

Mr. Cousens: Can you tell me where they are as well?

Mr. Duda: Yes. I can let you have that.

Mr. Cousens: Of the \$11 million, how much is going into the maintenance of existing programs?

Mr. Duda: The \$1.6 million, which is the money earmarked for funding-enrichment, is part of the enhancement of the current system, stabilizing and financially. At least that much or more will take the funding increment from 60 per cent to 70 per cent. In other words, the first 10 per cent will be \$1.6 million and, because it is building on an expanded system, the second will be about \$2 million.

Hon. Mr. Sweeney: One of Mr. Van Horne's reactions as he travelled around the province

was, "It is great for you to put new money into new programs and facilities, but do not forget that several existing programs and facilities are chronically short of money." They told him, "If you get more money, would you please direct some of it to enriching what is already there, in addition to the new programs and facilities you are opening." That was part of the reason for the \$1.6 million—to do that kind of thing.

Mr. Cousens: I understand \$735,000 was allotted to establishing community support programs in remote and isolated communities, especially the north. Where are these being put in place so far?

Mr. Duda: I will have to get you the information on the exact locations, but they were designed for remote localities where there was no urban centre, where it would involve a program to deal with the services required in hamlets and small villages, programs for the native groups—

Mr. Cousens: Will you get me the names of the places?

Mr. Duda: I can get you the target areas. I am not sure they are all funded at this point. Because some of those communities are under-resourced and have no programs, it is hard to fund a program with no local leadership. We have hired extra staff to hold community meetings and encourage the community to put together a proposal we will ultimately fund. When I give you the information, you will probably see it with regard to the first or second phase. In all likelihood, we are still going through the first phase of development.

Mr. Cousens: An emphasis on the north cannot be underestimated. As you said, there is a need to gather people together. It is a startup program, but it has to happen.

There was \$3.1 million for community support services with special attention to native people and francophones. Can I get an update on that?

Mr. Duda: I can also include that in my package. I do not have the details as to the locations and the individual identification of projects, but it can certainly be provided.

Mr. Cousens: I would be very interested in that.

Is your support for the Alzheimer's project included in this figure?

Mr. Barnes: In the \$11 million? Yes, it is.

Mr. Cousens: Can you give me an update on that?

Hon. Mr. Sweeney: There was one in January and three in May.

Mr. Barnes: In the last budget. I am sorry, I was referring to the \$11 million.

Mr. Cousens: I was too. Do me a service and tell me what you are doing for Alzheimer's.

Mr. Duda: We requested projects that would provide services to the families—

Mr. Cousens: Like respite?

5 p.m.

Mr. Duda: Respite and counselling to families. The initial \$1 million would allow the ministry to fund about nine or 10 projects, assuming we would continue our support for a similar project in Ottawa-Carleton. The demand was far greater than the resources allocated at the time, which is why we have added \$3 million. I understand we have had about 30 project proposals, nine of which we could fund from the first amount of money and allocating the additional \$3 million during the summer months. The basic services are respite care, using various methods of providing respite, either using a host family or providing workers who go into homes to assist with the care of the frail elderly members.

Mr. Cousens: You have had this number of proposals and extra money to go into it. How much money would you have needed to meet all the proposals that came in to you, assuming there was a bottomless pit on this particular subject?

Mr. Duda: The \$4 million is quite sufficient at this time.

Mr. Cousens: Is it?

Hon. Mr. Sweeney: One of the difficulties is that we do not know for sure how to provide services for victims of Alzheimer's disease and their families. A lot of this money will be used to try a number of different programs, such as programs to help families deal with these people in their own homes, respite care and small group-home setups. A number of things are being tried.

Another difficulty is that even the so-called medical experts say very clearly they do not expect to fully understand what Alzheimer's is and what to do about it until the turn of the century. It does not look as if there are any easy, quick answers in the short run.

We tell a lot of communities that we have some extra money and that we want them to try things and come up with different ideas. They must keep in mind that, for at least the next five or 10 years, there will be a lot of trial as opposed to dozens of very specific things we know are going to work. It is just a case of having enough money to do it. That is the difficulty with Alzheimer's.

The Acting Chairman: Using the chairman's prerogative, may I ask the minister a question?

Mr. Cousens: You sure can.

The Acting Chairman: Since we have a great alternative and positive use of a program in Sudbury, I presume that between you and Gerry, money will be forthcoming for the Alzheimer association in Sudbury.

Hon. Mr. Sweeney: I suspect Gerry has a cheque with him already.

The Acting Chairman: Can he bring it? That is all I want to know.

Mr. Duda: My goodness, I have forgotten. We will make sure it is in the mail.

Mr. Cousens: He has heard that one before.

The Acting Chairman: I have been around here too long to believe that.

Mr. Duda: We will even put a stamp on it.

To tell you the truth, I do not know about individual projects. I assume, within the resources available, that most of the projects being presented to us can be funded through our area offices.

Mr. Cousens: I have quite a close association with people who have Alzheimer's and with the Alzheimer Society of York. Through the Grossman task force on the elderly, we have had a number of briefs from the Alzheimer associations.

I am anxious to see that the money is invested soon. The need for respite is great. Families who are looking after a victim of Alzheimer's are becoming weary; after it has reached the end of the first stage, they are not able to handle the next. If, in the early stages, we give assistance to the households where people have the problem, they can begin to handle it. If we do not, they are burned out.

May the Sudbury project succeed and may projects across the province be given that support. The whole problem of dementia and mental breakdown is probably one of the most difficult things for our society to deal with. A family that is trying to maintain a certain level of support cannot do it without this kind of help from the government.

I like what you are saying. I would be interested in getting a list of some of the different associations asking for support and the kinds of projects you are encouraging and putting into place.

I want to follow through on integrated homemaker services, which fall under this larger area. Projects were put in place in Leeds and Grenville, Lanark, Thunder Bay, Cochrane,

Huron county, Parry Sound and Waterloo. How are these being operated? What is the general feeling about them?

Hon. Mr. Sweeney: They are all operating as of June of this year. One or two of them got started in May. As you know, the whole principle behind it is to have a single entry point so that families or seniors themselves can eventually move to one point and get the whole range of services. It is really step one in a totally integrated, comprehensive, local delivery system. That is what they are shooting for.

Mr. Cousens: It is still too early to tell, then.

Hon. Mr. Sweeney: One thing that is happening is a number of people who could not qualify under the former health requirements or the former social service requirements can qualify under this program. It is helping a group of people who were not helped before, but it is much too soon to know.

Mr. Cousens: Traditionally, the Ministry of Community and Social Services has used mostly volunteer-type homemakers rather than professionals. What do you see happening here? Is there a change in this?

Hon. Mr. Sweeney: The Canadian Red Cross Society supplies a lot of our homemakers. I am not sure I know what you mean by "volunteers." They are paid.

Mr. Cousens: What type of care giver will you be using?

Mr. Barnes: We are operating with the Ministry of Health on this; so we will be using the local health processes for delivering homemaker programs. If professional care is required, it will be delivered through this program. This is the concept of the integration.

Mr. Cousens: I have a heap of additional questions on this area. I will back off a bit. I know the member for the third party is anxious. I believe the way we are handling it is that when I come back, we can go back over certain items and votes. Being new to this job, I think I know a bit but I want to make sure I know the right things.

I pass this on to you, Mr. Johnston.

Mr. R. F. Johnston: I am not sure I will be able to get all the things done I would like to do today. We have just an hour and a little bit left.

Hon. Mr. Sweeney: I have just one observation. If there are any key issues that you do not get done, you can leave them with us and we will get back to you in writing.

Mr. R. F. Johnston: Yes. I would also like copies of everything that has been asked for by the other critic. I presume the things you send to me you will send to him as well.

Hon. Mr. Sweeney: Yes.

Mr. R. F. Johnston: I have one matter I have to deal with for the committee. Although all members of the committee are not here, I presume we can pass this. The House leaders want it. They have been advised of the decision of the steering committee. I will read it into the record. It says:

"The subcommittee met on Tuesday, June 24, 1986, and it recommends that its report be adopted.

"1. It recommends that no estimates be reviewed in the summer recess.

"2. It recommends that the review of Bill 3, Bill 92 and the problem of missing children be deferred to a later date.

"3. It recommends that there be no review of the annual financial report of the governing council of the University of Toronto for the year ending April 30, 1985, because this matter was dealt with in conjunction with the OISE report by the standing committee on general government.

"4. It recommends that the committee meet in September, if the Legislative Assembly refers any bills or report. It also recommends that the chairman make the proper arrangements for the committee meetings, keeping the members of the committee fully informed of his arrangements."

The Acting Chairman: Has that been agreed to by the subcommittee?

Mr. R. F. Johnston: Yes.

Mr. Cousens: Who was involved in that?

Mr. R. F. Johnston: Phil Andrewes—representatives from each caucus, plus the chairman.

Mr. Cousens: They agreed to that?

Mr. R. F. Johnston: Yes.

Mr. Cousens: I agree.

The Acting Chairman: Carried?

Some hon. members: Carried.

Mr. R. F. Johnston: Thank you.

Where to start? Let us start with young offenders. I asked a series of questions in my leadoff to try to assist me in understanding how we might get young offenders under one roof, finally. Do you or does anybody have a report on that?

Hon. Mr. Sweeney: I have a series of responses to a whole range of questions. Do you want me to go through it or do you want to ask

other specific questions? How do you want to deal with it?

Mr. R. F. Johnston: How long is what you have?

Mr. Barnes: May I make a few comments regarding the specific questions you asked? You asked for a whole lot of information from us and from the Ministry of Correctional Services. I had a word with the Deputy Minister of Correctional Services and he said he would prefer to discuss his information with you himself, which I understand. There is a certain protocol here. Not knowing that you were going to be away shortly, he undertook to send to you the information you requested from his point of view within the next two weeks. He will then be happy to sit down and discuss it with you.

I have the answers to the questions you asked regarding our own ministry. If you would like to have those I can read them to you.

5:10 p.m.

Mr. R. F. Johnston: Perhaps you would table them for now and when I get the other information, we could meet. I do not know when your holidays are but I will be back in August.

Arising from those questions, which relate essentially to whether we might deal with it under one ministry more efficiently and more coherently in policy terms, is a concern expressed recently to me from Kingston regarding the Warren group home. I am not sure if the minister or somebody here is able to—

Hon. Mr. Sweeney: We have taken all our children out. They are all gone.

Mr. R. F. Johnston: Can you give me some idea of who this group home was serving before the case was taken up with the courts?

Hon. Mr. Sweeney: There were two groups in that home. We had some aftercare and probation kids, and children's aid wards. We took the children's aid wards out very early and, when it looked as if nothing was changing, we took the aftercare and probation kids out as well the next day. I cannot remember the actual date, but all our kids are out of there. The difficulty was that there was an allegation. It was denied but the owner said he felt he was under so much pressure because of the allegation that he did not want to do the job any more. He literally was walking away from it and we went in and took our kids out. The allegation itself is in the hands of the police; it is not in our hands. We do not know what is going on. It is out of our hands. All we know is we do not have any kids there.

Mr. R. F. Johnston: Did they serve kids other than yours?

Hon. Mr. Sweeney: I think the Ministry of Correctional Services had one kid in there.

Mr. R. F. Johnston: There was a mix of ages. Some were wards and some runaways, totalling about 25, I understand.

Ms. Bundock: I do not have the information right now. We can have the information for you in about 10 to 15 minutes.

Mr. R. F. Johnston: That would be useful. My concerns are not concerned with the subsequent result in the home or whether the allegations of physical abuse are accurate. We can leave that to the legal process to determine. What concerns me is that this was a home with a pretty high rate per diem, \$85 a day as I recall. If you want to get that information I could talk about this and deal with it when you return. For a nonmedically oriented group home, \$85 is pretty high. I understand it was a private, for-profit organization.

What concerns me that I have been hearing from Kingston is that local ministry officials, and Mr. Docherty in particular, said it was hard for the ministry to give any information because it was a private corporation, which surprised me. I wonder what the policy differences are between a private nonprofit, a community board nonprofit and a private run-for-profit group home as far as access to information is concerned when there are allegations of this sort. It may not always be so straightforward that the kids are withdrawn or the person walks away.

For instance, the local officials said there is no straightforward answer to the question of what the \$85 per diem is based on. Why is it so high for that particular kind of home? Second, there apparently was a request from the press for a copy of the home's disciplinary policies. He was told the ministry could not obtain this because it was a private corporation, which seems strange if it is true. I expressed my doubts because I remembered asking questions about the Viking homes a number of years ago when I thought there was an excessive amount of disciplinary action. I was able to learn what the policies were.

The other thing I understand is that there has been no audit of this organization, even though it was funded for the first time eight years ago. What policy is there with the private nonprofits in respect of financial accountability? The final thing on that is that it is not necessary for the organization to file an annual financial statement to the local office. If that is the case, I want to

know what type of accountability policies we have for the private, for-profit group homes.

Mr. Duda: I cannot speak to that group home specifically. The answer lies within the regulations governing residential care for children. They are the same regulations whether they are for profit or are nonprofit. Previously, as you know, they were under the Children's Residential Services Act. They are now under the Child and Family Services Act. They are quite complete in terms of covering all aspects of care, including statements of philosophy, approach to care, staff competency, and the requisite approval from local municipalities around zoning, fire and other physical plant standards.

We do have a fair degree of accountability. When it comes to financial statements, there may be some difficulty there. We do not usually allow per diems to increase unless there is financial disclosure. We have governed that by not sharing the cost of purchasing that care through societies and through our correctional system. Providers had to produce the distribution of their costs and how they were spending their money prior to our approving any increases, so we do have leverage there in terms of having them reveal their financial situation.

In this case, I cannot say whether that leverage was used. I do not know the particulars. We have the legal authority to hold them accountable programmatically. We have levers to examine their financial practices.

Mr. R. F. Johnston: What about the whole question of public accountability here as to whether that becomes private information shared between the ministry and a private corporation or is information that is accountable to the public because public dollars are going into it? That seems to be where the distinction is being made.

Mr. Duda: I can speak only from my past experience as an area manager. From my memory, that information was shared and was available only to the licensee and the licensor. It was not for public disclosure unless there was some sort of investigation, as there is now. That holds for both nonprofit and profit situations. I am sure it probably will not hold, given the information disclosure bill, Bill 34.

Mr. R. F. Johnston: Trucks can drive through that one. I would not worry about that.

Mr. Duda: As I said, that has been our practice. I cannot remember a case where the licensing information was requested publicly. Usually, if they had a licence, they provided the adequate information and there was enough

information to support providing the licence. At that point, it was not contentious. The contentious information you are speaking of is hearsay and complaints. It would not be recorded in our area office.

Mr. R. F. Johnston: I am not after any particular information that may now be going before the courts in terms of the abuse allegations. For instance, I could ask the minister in a committee public hearing what the \$85 per diem is based on, why there has not been an audit and what is the shape of the books. What is your answer if I ask, what is the disciplinary policy of this particular organization and can I see a copy of it? Can I or can I not? Or may I or may I not?

5:20 p.m.

Hon. Mr. Sweeney: I think the can and the may are two different things. One of the things we have to keep in mind is that the contractual relationship between any individual home and the ministry is based upon a service delivery program to which we jointly agree. The rate is not the same for all of them. It depends on the kids you have, the type of services those kids need and how many staff members you will have to hire to provide that. There is no single figure.

I cannot tell you whether the \$85 figure was justified or not. I can only assume that if it was agreed to by our ministry and the operator, he must have agreed to deliver a certain kind of service and to have certain kinds of professional resources on staff to meet the needs of the kids.

With respect to the disclosure of information from a commercial or a nonprofit home, I am sorry, I do not know the answer to that, but I am interested in the answer myself and will certainly find it out.

Mr. Duda: The question is being asked about this particular home and we will have to explore with the area office what information is on file. The minimal practice would be to have the intent of the program; the staffing patterns; the complications of staff; indications of compliance with local zoning and fire, health and safety standards, and—the thing the member mentioned—what sort of discipline methods, if any, they would use in their methodology. That much information is available in area offices.

I do not think that in each and every case we have a detailed breakdown of the allocation—of why, if it is a per diem of \$85, although we can have, if we require it. The little I know about that home is that it deals with difficult children—children or youngsters that the care providers at the lower \$50 or \$60 per diem cannot adequately deal with.

Mr. R. F. Johnston: In what sense? Are they runners?

Mr. Duda: Yes, that sort. Most of the costs would be absorbed in staffing. We would have an indication of how many staff and of the ratio of staff to children. It would be a pretty good indication of what the cost of support may be.

Mr. R. F. Johnston: Is that public? It would be very interesting to be able to start to work out people's profit margins and whether their disciplinary policies happen to be based more on their desire to minimize rather than to maximize staff because of profit margins.

Hon. Mr. Sweeney: One of the things to keep in mind is that we are not going to agree to, say, an \$85 per diem as opposed to a \$55 per diem unless we can be assured that the kinds of additional staffing resources that we agree are needed, are met.

Mr. R. F. Johnston: I am not doubting for a second that this is your intention as the minister. I want to know what your public accountability on this is and my capacity, or in this case the press's capacity, to know whether or not that—

Mr. Barnes: I am assuming this is a group home that is or has been funded. Children's aid society children have been placed in it and, therefore, a per diem has been paid by the children's aid society to the group home. As for the residential aspect of it, we have mandated responsibility around the standards, the space, the quality, the physical standards and the type of programming. We tend to get into the details of how much the per diem should be—and it is difficult—where we directly fund. With children's mental health centres and so on we have a service plan. Where we are directly funding, we are much more specific as to the service plan and the budget because we are using the service plan as a basis for drawing up our budget.

Mr. R. F. Johnston: We have been raving about service plans in so far as the capacity of what they do is concerned.

Mr. Barnes: We are doing that obviously with the directly funded and we still have a long way to go to get service plans, homes for the aged and so on. We are starting to move into those areas.

In the indirectly funded homes, we as a ministry do not have service plans and what we are doing is mandating it. With service plans, we directly fund.

The services purchased by a children's aid society do not go through that same process. What the reporting responsibility is in that situation I honestly do not know; I will find out.

As far as the home itself is concerned, we are carrying out an inspection right now into the situation to get a report on exactly what is going on. We think it was about three weeks ago that they came up. The kids left the next day.

Mr. R. F. Johnston: I am glad you moved promptly and all that kind of thing. This kind of issue, though, has a special relevance to a new select committee which will be established, I hope, in the next little while around privatization and commercialization of health and social services. Obviously we cannot have it today but that kind of information will need to be made available to that committee so it can have a look at the whole question of accountability of those homes, whether profit or nonprofit, not directly tied into the ministry. Where there is profit, I worry about it a heck of a lot more.

I will move on to assorted other things. On day care, if we can move to that and child care for a second, you were talking before about the indirect funding and some of the problems—

Hon. Mr. Sweeney: Indirect subsidies.

Mr. R. F. Johnston: —indirect subsidies and some of the difficulties you have had with some municipalities. I am gathering that one of those is your own.

Hon. Mr. Sweeney: Yes; Elmira.

Mr. R. F. Johnston: I want to raise with you the Elmira situation, which I know has been raised in the House before, not by me but perhaps by the Conservative critic. What is going to be the situation there, given the fact that the local social services board, I gather, has said that it is not going to assume the full costs? Here we have a specific case. What are your ultimate plans? I gather you had some goofs in Galt and Preston as well, but Elmira seems to be the most significant.

Hon. Mr. Sweeney: That is one of those situations, among others, where we think we can sit down and negotiate with the municipality to raise the qualifying income levels. I am not sure of the exact figure, but it is somewhere around \$14 and we think it should be about \$18. On the basis of that, a lot of the parents who are now being subsidized through the indirect subsidy could qualify for the subsidies available through us. That would make the municipality responsible for its 20 per cent share, though. I indicated in my response to Mr. Cousens that there are a number of situations such as that. There are a number of other situations, however, where because of the low population, the actual cost of running one of those day-cares is up around \$26 or \$28.

Mr. R. F. Johnston: In this case, as I recall, it is around \$33 for the ministry ones.

Hon. Mr. Sweeney: I cannot remember the exact figures, but there are situations, such as that, where, no matter what the municipality does, it just cannot get the numbers down. There are certain inherent costs, and they simply do not have enough kids to spread the costs around. In cases such as that, we are going to have work out some individual kind of arrangement with them, but we think it is a little unfair of some municipalities to use the indirect subsidy as a way to get out of covering their fair share of the cost, as long as that is still part of the process.

Mr. R. F. Johnston: You are not going to end up, though, with Elmira either having to close down or becoming a totally subsidized space, which we have seen happen elsewhere.

Hon. Mr. Sweeney: We certainly hope not. That is one of the reasons, when the program was supposed to be cut out as of January 1, that we gave it another full year this past fall and asked our program staff to sit down with each of the municipalities. We have a whole 12 months now to work out the process. We are quite prepared to see some kind of a phasing-in, but because we are getting pressure from the federal government as well, we simply could not continue to ignore it. It has literally been ignored for three years. The other difficult part for us is that there are other parents in other communities paying a higher share for basically the same service. It is awfully awkward for us to justify that.

Mr. R. F. Johnston: Where is the money for this going to come from? In this region, I gather the present fee is \$14.10.

Hon. Mr. Sweeney: It is in the neighbourhood of \$14.

Mr. R. F. Johnston: We have a four per cent increase, even though the regional staff suggested it should go up to more than \$25 and be raised by about 80 per cent. The actual cost per day is approximately \$33. That is an enormous jump of subsidy, and in Elmira's case 87 per cent of the kids pay full fees.

Hon. Mr. Sweeney: There are not too many subsidies under there, but we have asked them to look at how many of them could qualify for subsidies if they increased their ceilings, which they do not seem to be prepared to do. They seem to be simply stating: "We will keep our ceiling low. That means we will keep a relatively small number of people who can qualify for subsidy and then we will cover the other people by using the indirect subsidy." It is just not fair.

Mr. R. F. Johnston: Where is the money coming from? Is this coming from your \$6 million? Where is it coming from?

5:30 p.m.

Mr. Barnes: For a number of reasons, there has not yet been a total takeup of the 10,000 spaces we are putting out in some of these areas. We will try to allocate some of the subsidized spaces to those areas if they will elevate the qualifying eligibility criteria for a greater number of people making use of those centres. We utilize the subsidy money that we have for spaces allocated to the particular area where they have not yet been taken up. That is our plan.

We are analysing each one of these right now to identify the extent to which that starts to close off the problem.

Mr. R. F. Johnston: None of these centres will close, then.

Hon. Mr. Sweeney: We certainly hope not, but I am not prepared to give you an absolute guarantee.

Let me put it this way. Let us say a municipality is absolutely intransigent and will not co-operate with us at all, saying, "We are going to force you to close us down and let you take all the political flak for doing it." I do not know whether I am personally open to that kind of blackmail. However, we do not want to close any of the centres.

Mr. Barnes: We certainly do not want to close any centre. We have to be terribly careful that we do not, I suppose, put in a concrete situation where even people who are getting the subsidy would not be getting one under an income test.

There is some of that. I have asked for an analysis of each centre affected by this that has not closed at this time. I want to compare them with the centres whose municipalities have complied to see where the equity is in all of this.

Mr. R. F. Johnston: You indicated you would give us the listing where the outstanding groups are.

Mr. Barnes: Yes.

Mr. R. F. Johnston: Would it be possible to have some of that information?

Hon. Mr. Sweeney: We have that.

Mr. Barnes: I do not have spare copies, but I can read out the names of the affected municipalities. Shall I give you a list later on, or do you want them now?

Mr. R. F. Johnston: How many are there?

Mr. Barnes: Why do you not have a quick look? I can show you those.

Mr. R. F. Johnston: Is that it?

Mr. Barnes: That is it.

Mr. R. F. Johnston: Why do you not read it into the record then? There are not many.

Mr. Barnes: All right.

In the north region: Cochrane, Hearst, Kirkland Lake, Timmins, Red Lake, Fort Frances, Dryden, Ear Falls, Balmerton, Sioux Lookout, Thunder Bay, Elliot Lake; in the central region: Tottenham, Collingwood, Orangeville; in the southeast region: Chalk River, Deep River, Clarence, Rockland, Charlottenburgh, Rolph, Buchanan, Wylie and McKay, Renfrew, Hawkesbury, Vankleek Hill, Ottawa-Carleton; and in the southwest region: Listowel, St. Marys, Stratford, Wingham, Wellington, Waterloo and Owen Sound.

Mr. R. F. Johnston: A strange mix.

Mr. Barnes: Yes.

Hon. Mr. Sweeney: You can recognize from some of those names that there is no good reason the municipality cannot co-operate with us. There is going to be a problem with others; we will have to deal with them individually.

Mr. R. F. Johnston: I would be interested to see whether you can give us a list of the ones that have complied and the kind of effect it has had on the mix of kids and that kind of thing. How many people were there? Were there many cases such as that of Elmira, where there is a very high paying clientele? What was the increase in the number of those who were eligible for subsidy? That would also be interesting.

Mr. Barnes: That is precisely the comparative information I want to look at. In that way, we either have substantiation to use against some of the municipalities in saying that they do not have such a problem; or we have an issue to face as to the decision we make.

Mr. R. F. Johnston: What about capital funding for day care?

Hon. Mr. Sweeney: Of the additional \$6 million the Treasurer (Mr. Nixon) gave us, \$2 million will be directed towards capital, if I am not mistaken.

Mr. Barnes: Approximately, yes; I cannot remember right now.

Hon. Mr. Sweeney: Under the day care initiatives, we have capital funding money on a 50-50 basis. In our new proposal, we are looking at direct grants of \$4 or \$5 a day per child. I do not know what the figures will be. As you know, we have the \$55,000 grant for work-place day care, which can be used for capital purposes.

There is no question that we could use more money.

Mr. R. F. Johnston: What is the average cost of renovating work-place day care? I hear that \$55,000 is just a drop in the bucket compared to what is required. For instance, what did it cost us over here at the Macdonald Block?

Hon. Mr. Sweeney: It cost \$150,000.

Mr. R. F. Johnston: It is \$150,000, and we give \$55,000—

Hon. Mr. Sweeney: We are saying pretty clearly to the work-place people that the \$55,000 will not cover the costs of physical renovation in many cases. It will go part-way towards it, but it is also designed to buy equipment, to buy supplies and to do some minor renovations. If they have to get into a big renovation, it will not cover that. There is no question about it.

The Ontario Hydro renovation cost in the neighbourhood of \$200,000. The city hall one, which was a long time ago, was close to \$100,000, or something in that order. An awful lot depends on the type of space you start with. This one down here was expensive just because of the physical makeup of the space; and it was done very nicely, too.

Mr. R. F. Johnston: Yes. It was a model, as I recall, for what we expect around the province.

Hon. Mr. Sweeney: That is not necessarily so.

Mr. R. F. Johnston: We would not want to think there are double standards for legislative employees and other employees around the province, I am sure.

Hon. Mr. Sweeney: I refuse to comment on that one, Mr. Johnston.

Mr. R. F. Johnston: I will move on to some other things. I hope that perhaps next Thursday other members of our caucus will come in and ask some questions on day care in their areas.

I wanted to get into the whole question of institutionalization and community living. A lot of these issues overlap with respect to privatization, commercialization and what our real commitment is to deinstitutionalization. I will deal first with some comments that were made the other day about kids in some of our schedule 1 and schedule 2 facilities around the province. Can you tell me anything about something which I have heard, that is about a seven-year-old boy who was recently admitted to the Brantwood Residential Development Centre in Brantford?

Mr. Barnes: A seven-year-old boy?

Mr. R. F. Johnston: A seven-year-old boy. That is what I heard.

Hon. Mr. Sweeney: Brantwood?

Mr. R. F. Johnston: In the Brantwood residential, yes.

It seems fairly incredible to me that that would happen. I am having difficulty understanding what combination of events would make that possible. I want to know why it was done. Was this the least restrictive alternative that we had for this child?

Mr. Barnes: We will look into it.

Hon. Mr. Sweeney: As you know, there is a support mechanism for families who keep their own children at home. Despite that, we have some situations where they simply cannot do it even though we supply the funds. They do not have the emotional resources to do it.

Mr. R. F. Johnston: It is often a matter of how much funds are being provided as well.

Hon. Mr. Sweeney: In one case we were prepared to go pretty high. The young fellow ended up in one of our facilities.

Mr. R. F. Johnston: I will come to it in a minute, but I also wonder how much of that is because it is often our big facilities which seem to be co-ordinating the special needs services to people in the community as well and how much of an institutional bias we are getting there.

Hon. Mr. Sweeney: Yes. We will check on that one.

Mr. R. F. Johnston: You were going to get me some information about numbers of children—

Mr. Barnes: Yes. I am looking for those right now. I know I have been given them. I am just trying to find which file it is.

Hon. Mr. Sweeney: Numbers of what?

Mr. R. F. Johnston: Numbers of children in adult facilities, essentially.

Mr. Barnes: Why do you not carry on and I will find the answers. I know I have them here somewhere.

5:40 p.m.

Mr. R. F. Johnston: Can you give me some information about southwestern Ontario and the problems that are occurring down there? I think they are fairly tied to the fact that the Southwestern Regional Centre is the co-ordinating organization there. Can you explain for me why it is that when we have a moratorium on privatization, as I understand it, the special-services-at-home con-

tract in the Windsor-Chatham area is now being awarded to Para-Med Health Services Inc.?

As you may recall, Para-Med is an American-based, quasi-health organization which pays people low wages to provide the same services we have been providing through either community services or community institutions in Ontario. You may recall that in the nursing home industry there have been a number of cases where these kinds of organizations have come in and taken over in a contracting-out situation. The workers are then offered jobs at \$2 or \$3 an hour less than when they were part of the institution. Many have turned them down and in succession rights cases since then those workers have been upheld. I wonder what you can tell me about the situation in southwestern Ontario and how this has come about.

Hon. Mr. Sweeney: You were speaking of the Windsor area, Mr. Johnston?

Mr. R. F. Johnston: Chatham, Para-Med. Does anyone know about that? I can fill you in with as much as I know on it and you can tell me if you support this kind of thing.

The Acting Chairman: We should hold the estimates over at the ministry. They have all the staff. It would be a lot easier.

Mr. R. F. Johnston: It might be easier. Let us do that next year.

Mr. Barnes: This is Para-Med Services Ltd.?

Mr. R. F. Johnston: It is something like that.

Mr. Barnes: This is moving the service from the Family Service Association to Para-Med Services?

Mr. R. F. Johnston: Yes.

Mr. Barnes: It was moved purely on the basis of tender in the sense that the price was put up significantly by the Family Service Association. We then asked for a tender and a significantly lower tender came from Para-Med Services. I was looking at it this morning. That is all I know about it at this stage.

Mr. R. F. Johnston: Would you investigate it thoroughly for me because some of the information I have is very disturbing.

As I understand it, although they went to tender, the organization that had this contract in the past was not provided with the tender at the same time that Para-Med was. It has also been alleged that Para-Med advertised in the local Chatham paper for workers, social workers and early childhood education workers to work on special contracts before the advertisement notifying community agencies of the tender appeared

in the paper. I find this impossible to believe and I hope you will find it is not true.

Mr. Barnes: Okay.

Mr. R. F. Johnston: If that is true, it has many implications which require a sterner, and perhaps a judicial, inquiry.

Mr. Barnes: Let me have a look at what went on. I am not conscious of a moratorium and I have certainly not told our staff there is a moratorium in the special needs area. Let me say that immediately.

Mr. R. F. Johnston: You should read the accord between the two parties.

Mr. Barnes: Having said that, the reason it came to me was that the Family Service Association had written to a number of parents saying the program had ceased. There was an immediate concern in the local paper that the program would no longer be available, and in that context I found out about the situation. However, I have taken note of the points you have made and we will look into them.

Mr. R. F. Johnston: There are more.

Mr. Barnes: Carry on.

Mr. R. F. Johnston: Again, there is a discrepancy in the salaries between what Para-Med offered and what was offered to the previous workers. There is talk that these workers will be able to apply for the jobs. However, I understand that, when asked, Para-Med said there is no obligation to hire the previous employees. I remind you these were Ontario Public Service Employees Union employees. This could be a trend in the ministry in terms of its attitude towards its workers that I find disturbing, whether they are adult protection service workers or, in this case, these people.

Mr. Barnes: What is that trend?

Mr. R. F. Johnston: The trend is one of a lack of protection, or even of being unfair employers, if I can put it that way. I will come back to the adult protection service workers, which I know we discussed, although not in the detail I would like.

Mr. Barnes: I will resist that trend regarding our ministry policy.

Mr. R. F. Johnston: How do we allow this to take place? We know Para-Med's record. We know the kind of organization it is and the union busting it has done in the nursing home field; yet you and your ministry have allowed the South-western Regional Centre to take these people on.

It looks to me as if they are again trying to challenge the whole successor rights question.

These people will not get it automatically. They will have to go to the Ontario Labour Relations Board.

These people are not highly paid. They were receiving about \$9 an hour, as I understand it. They are receiving less than that now from Para-Med, if they are getting paid by Para-Med. What do they do? Do they wait around for months and months, as the Thompson House workers and others did, finally to win? Do they go back to work for less money, or are they perhaps not even hired at all? I find it really disturbing that the Ministry of Community and Social Services allows the regional centre to do this.

Mr. Barnes: If the issues you raise have validity, I will clearly also be concerned, particularly about the early allegations you raised. However, if memory serves me, one of the reasons it went out to tender was a very significant increase in the cost of the service. I believe it almost doubled overnight for the same service to the same people.

I also have to look at that, because I understand that was the only reason we went out for tender. That is the information I was provided with.

Mr. R. F. Johnston: It was more than double, because it went from \$18,000 to \$43,000, as I understand it. As it was being brought in, most of the people they were dealing with were phase 1 types who were already in the institution. They were not really dealing with the community care side of special needs services, as I understand it, in the first year of its operation.

Mr. Barnes: I do not know that.

Hon. Mr. Sweeney: There is another side to this. As I hear you explaining the situation, I recall a recent discussion I had with the Canadian Red Cross Society about the integrated homemakers. People from the Red Cross had come in to see me and indicated that some of the municipalities which had been using the Red Cross services were now looking at putting out for tender contracts for homemaker services as well. They wanted a guarantee from me that I would object to this, that I would not allow this to happen. I made two observations to them.

I told them that, first, our preference was very clearly for noncommercial services, for using the kinds of agencies which had been available in the past and had done a good job. There was a "but," however, and I happened to mention this because one of them had drawn it to my attention. The municipalities would have to keep in mind that they could not be held to accepting whatever fees an agency such as the Red Cross wanted to

charge. That would reduce the total number of people they could serve. In other words, the amount of money they were going to get from us was limited; it was not a bottomless pit.

I told the Red Cross it was a two-way street. I presumed it was going to be reasonable when it came in with its rates and would not jump from \$7 an hour, I believe it was, to \$12 an hour. If that happened, the municipalities would come right back to me and say, "It would be nice if we could afford that service, but we cannot."

All I am guessing from what the deputy just told you is that this could have happened in this situation. If an existing agency simply says, "Look, we have these guys over a barrel; we can charge whatever we want and they have to pay it," that is not really valid, either. I am not sure whether what you described is the thing that should happen, but we are caught on both sides.

Mr. R. F. Johnston: They are chronically underfunded. I suppose that could be part of the problem you have been left with.

Hon. Mr. Sweeney: Sure it is.

Mr. R. F. Johnston: It is a legacy I would rather you did not uphold by saying that they have you over a barrel. Perhaps you should say that it has been a totally inadequate funding process in the past and it is no wonder groups are asking for proper resources.

Mr. Barnes: I do not know that. All I was saying was that from what I read the rate for the same amount went up very significantly. We will certainly follow this through. If that is not right there is a problem; but if it is, and there are no adequate reasons, one needs to understand why.

Mr. R. F. Johnston: You will find it is because they started to deal more with the phase 2 side of things. That is why the costs are going up.

Even so, if the other matter is true—and I have not been able to confirm it, because I just heard of it today—

Hon. Mr. Sweeney: The advertising?

Mr. R. F. Johnston: The advertising. That really needs a serious look, as well as the fact that the present organization did not receive its tender at the same time as the other organization did.

5:50 p.m.

I am concerned about the trend towards using our institutions, which I hope we will one day get rid of, as the hub for providing community services. If you look at the southwest, with respect to all the special needs agreements the decisions are made as to how much the kids in the community are going to get, and the annual reviews are all done by people from the

southwestern region, according to all the parents I talked to down there.

Mr. Barnes: You are talking about the Southwest Regional Centre and its catchment area?

Mr. R. F. Johnston: That is correct. It makes the decisions about who is going to get how much money, essentially for staying in the community, to assist a family with a retarded child; or in the case of the kids I was dealing with, who were blind as well as retarded, which caused all sorts of other problems because the people in the institution had no experience with sight-impaired kids, at least in terms of knowing what kinds of educative programs in the community were best for them.

If we set it up in such a way that the facility has a monopoly on the control of the programming and service that is going out, we are going to undermine the ability of the community to run its own programs. We are going to set up a bias which will establish that the institution is there as a backup for people if things should fail by underfunding, bad programming or because of the serious problems of the child. That is very dangerous.

I have a stack of examples here that seem to indicate this is what you want to do right around the province. You want the Oxford Regional Centre to be the hub in its area. You want Prince Edward Heights to be the hub in its area. You are giving this mandate to these big institutions rather than providing it to a community organization. I guess I want to ask you why.

Hon. Mr. Sweeney: Let me go back part way and use Huronia Regional Centre as an example. As you know, the total number of people in Huronia used to be something in the neighbourhood of 2,700; it is down now to about 800 or 900. We have said very clearly that this moving of people out of the facility and back into the community is going to continue. It is going to be a continuing process.

I do not know how long that process will take, but there are also certain transition stages to it. For example, we have onsite at Huronia what we call transition cottages, where people will go for a certain while. In Orillia itself, we have group homes that are operated by Orillia as the next stage. The final stage is that they go back to their own communities, if there is a community for them to go back to and if there is any family relationship there at all.

The other thing we have said to our institutions is that, in addition to being residences and service providers to their own clients, we want them to

be a resource to the wider community. We want them to be a resource initially to the community in which they exist but also to a wider-ranging one. At the same time, we have indicated to the mentally retarded associations in their various municipalities that we want them to provide a range of services to us.

I do not have a sense of completely cutting out the centres, such as Cedar Springs, Huronia and Oxford, once a person leaves. There should be that kind of linkage. In the way in which you describe it, it may have gone beyond what is appropriate if, as you say, they have a total monopoly. That is certainly not the intent. The continuing link will have to be there.

Mr. R. F. Johnston: But you also know they are biased. Generally speaking, they provide segregated services; they do not provide generic services. They are not as tied in with the community as organizations within the community might be. That is highly dangerous.

Mr. Barnes: This is an issue that goes beyond what you have been just talking about. Bear with me for a few minutes as I try to explain to you where we are trying to come from on this one.

Without question, I have satisfied myself that over the past few years, the ministry has made an absolute commitment to deinstitutionalization. It has tried to do it by demonstrating, by taking nearly 1,000 people out of our institutions.

If you look at that alone, the ministry has done quite well. If you look at the whole mental retardation area and look beyond the schedule 1s to the schedule 2s, if you look to the nursing homes, the waiting lists and the total number of people who are out there who need help, we are looking at very significant numbers.

Instead of tackling this in a linear fashion, I am asking the ministry to get together for the government a total picture of what we are looking at, a total picture of what we would have to do if we were to try to get everybody into the community in the next five or 10 years, which would be a nice aim.

If we look at all the people in the nursing homes, all the people in schedule 2s—and we are looking at a couple of thousand nursing homes, 1,800 in schedule 2s, perhaps 5,000 in schedule 1s and the figures on the waiting list are running around 2,000 with regard to reality of need—clearly we are looking at a very significant sum of money. If you took just 5,000 of those people and dealt with them tomorrow, you would be looking at another \$300 million or thereabouts.

We have some parameters on this. First, how much money do we divert to that alone as distinct

from other things—\$30 million a year? I do not know. Second, what is the capacity of the community to cope? We do not want abuse in the community either. If we find we have to make priorities in looking at the totality of it, what is the best use of resources we can make in that situation?

The only way we can look at that is if we are all agreed. That has to be established and it requires trust; and that is not always there, there is no question of that. The government is absolutely committed to deinstitutionalization and providing the best service in the best possible place that it can to the individual, recognizing that he or she is better off in a smaller group than in a huge, 1930s-built facility that none of us likes; but where do we start?

If we took 1,000 out, we would still have 3,000 people in our institutions. We are not going to put all 5,000 in the community tomorrow. What do we do? Do we ignore the resources we have there? Do we ignore the buildings? Do we ignore the staffing ratios? Do we live with the staffing ratios that we have, or do we try to do something about it? Are we accused of going to the institutions and supporting them if we increase the staffing ratios there? We might be, but we have to make those decisions.

I believe that if we can get that total plan together and bring in the community, the Ontario Association for the Mentally Retarded and the other associations to look at those decisions with us, we might have a chance of getting some choices made and some agreement about the best ways of attacking them.

Mr. R. F. Johnston: I know neither of you has been involved in the deinstitutionalization in the past number of years and therefore none of you bears personal responsibility for what has taken place, but it has been absolutely incoherent to close down the small institutions that were closed instead of working on the big ones, if you follow the principle you are talking about.

Why anybody should believe this government is necessarily committed to deinstitutionalization when you are expanding the numbers of programs that are now institutionally dependent, even if they are not in the institution, is difficult for me to comprehend.

Mr. Barnes: But people like the rate at which we are expanding the programs in the community, and I have concerns about deinstitutionalization—

Mr. R. F. Johnston: That is a different matter. Let us talk about those who are not entering, those we are going to preserve in the

community. Talking about deinstitutionalization, if you look at your figures on page 91, you will see that for the coming year you are projecting the lowest number of people to be deinstitutionalized out of your schedule 1 facilities for the past four years.

Hon. Mr. Sweeney: That is true—

Mr. R. F. Johnston: At the same time as you are doing that, you are putting an awful lot of money—and I would like to know how much—into institutionally run support services in the community.

Hon. Mr. Sweeney: Let me pick up where the deputy left off or where he was moving. Basically, there are three groups of people we have to deal with. First, there are those who are going to have to stay in the institutions for a while; as the deputy says, we would love to be able to take them all out tomorrow, but that is just not going to happen. There are those we are moving out of the institutions, and we are going to continue to do that. That is the second group. The third group is those people who are already in the community. In many cases, those people are 30 or 40 years old and live with their families. The parents, who are now 60 years old, are coming to us and saying, "Look, we cannot meet their needs any longer." Simultaneously, we have to deal with all three of those.

6 p.m.

As I am sure you know, the workers in the residential facilities have indicated two things to us. They have said: "You have taken out the people who are most able to look after themselves and have left behind those with the greatest number of needs. What you have done at the same time is you have taken out a proportionate number of staff to residents. You do not seem to have taken into consideration that those who are left behind have greater needs; your staffing ratio has to be better."

Mr. R. F. Johnston: I agree with you totally.

Hon. Mr. Sweeney: Okay. What the deputy and I are saying is that as long as those people are in the facilities, we are going to have to put more resources into those facilities. We will need better staffing, and we have to improve the physical plant. There is no doubt about it; we are going to do that.

Second, because of the past five or six years, in which the bulk of the attention has been on moving people out of the facilities and settling them in the community, a relatively smaller amount of attention and dollars has been devoted to the people already living in the communities

who needed to move out of their own homes into some kind of community support. There is a real backup there. I have said very clearly that we must slow down the process of moving people out of facilities and back into the community while we begin to deal with some of this backlog of people who are already in the community.

There are two things we have to keep in mind. The deputy referred to one of them; that is, many of our communities are coming close to the saturation point of just being able to absorb these people. For example, the mentally retarded associations in some cases are telling us, "We cannot take any more; we just do not have the resources to do it." It is not just whether we give them more dollars; it is resources in a much broader sense.

The second thing is the total number of dollars; it is not bottomless, and we have to distribute it over those three.

There is a fourth group we have not even touched on yet, homes for special care, and I am sure you are going to get at it sooner or later. We are trying to negotiate with the Ministry of Health to take roughly 3,000 people off its hands and assume responsibility for them. We have told the Ministry of Health that if all we are going to do is take over X nursing homes with 3,000 people in them and we do not change their lives, nothing much is going to change. We have to have something else for those people.

We want to close down some of those nursing homes. We may have to operate a few of them for a couple of years, but we want to do it in a very different way from the way they are operated now. We have the whole legal problem. We are being told we may be charged with having to take over the bloody things, buy them out or something like that. That is the fourth component. Other than the triministry project, where we are putting in program people we have not even touched that one.

Mr. R. F. Johnston: I agree.

Hon. Mr. Sweeney: It is those four fronts we are working on simultaneously.

Mr. R. F. Johnston: Right; but it does not mean you have to be incoherent about how you do it. That is what I see.

Hon. Mr. Sweeney: I am not even trying to do a total package.

Mr. R. F. Johnston: What is wrong—and I want you to increase the amount of money for staffing that is going into the institutions at the moment. I think that is vital. We would not have cattle prodding, in my view, if we did that.

I will not even go into all the stats if I have that acceptance from you that this is what you want to do, but I do not think that means you then use the institution as the hub for the community. I do not think it means you try to make the institution cost-effective by increasing the ratio of patients. I noticed that, according to your statistics, there are more patients in our institutions now, on average, than there were last year.

Hon. Mr. Sweeney: There should not be, because we are moving them out all the time.

Interjections.

Mr. Barnes: Are you thinking in terms of per institution?

Mr. R. F. Johnston: Yes.

Mr. Barnes: Of course; how many have we closed? We closed institutions, and I presume some were transferred to other institutions.

Mr. R. F. Johnston: Okay, that is a valid point; but if you look at the total beds closed and the number of people in there we have not done as magnificently as—

Mr. Barnes: My understanding of the five-year plan was that 950 to 1,000 people were going to go out in five years; 961 people went out in five years. One of the things, obviously, is that we did move quickly earlier. Presumably that meant we moved with some of the more mildly retarded people to start off with.

When you talk about coherence, my problem was with the linear approach: just looking at the MR schedule 1s and not at the impact in terms of dealing with community waiting lists, sufficient money for special needs at home, homes for special care, the triministry project—although we do not have anybody out—etc.

I want to make it coherent by bringing that all together and saying, "This is the total population we are looking at." Given the ability of the community to absorb and the amount of dollars—there may arguments about the amount of dollars but that is an economic priority—what are our priorities in the next eight years?

Mr. R. F. Johnston: I have no difficulty with you doing that. I think that is a wonderful thing to do. I am very pleased that it is being done and I am glad that the four components that have been listed are the ones going to be thought about.

Mr. Barnes: Critical.

Mr. R. F. Johnston: Yes. Some of these things were mentioned back in the Williston report, and Welch, although maybe not homes for special care quite so carefully. They had a fairly clear idea of how this might be systemati-

cally done, which was then undone later on, in my view, in terms of not being coherent about it.

Let us deal with why we are doing this first and then we can get back to the other business. When do you see that you will making recommendations about how you are going to do this?

Mr. Barnes: What I would ideally like to do—and we have to consult with the minister and the cabinet on where we are coming from on this one—is to bring all this together and get together a paper on priorities and choices that we can then take to the affected public and have a very serious discussion.

We want to do that as quickly as we can, precisely because we are looking at how we spend money from April 1, 1987, on this. The money has already been allocated in the budget for next year, most of which will be spent next year, and we want to ensure that as we start to spend that money, and ask for more, we start to spend it in exactly the coherent fashion you have been speaking about but with the commitment and the involvement of the people most affected.

Hon. Mr. Sweeney: Another problem is that we have three very different publics with three very different agendas that are almost in conflict with one another. For example, as I say, I have these 60-year-old parents, who are saying—

Mr. R. F. Johnston: Or 70 or 80 years old.

Hon. Mr. Sweeney: —"I cannot be responsible for those other problems you have. I want you to help me. I want you to put all the resources you can into this community so that my 40-year-old son will have a place to live." That is one public.

The other public we have is the Ontario Association for the Mentally Retarded which is saying: "Close down every one of those facilities tomorrow. Do not put a single penny into them."

Mr. R. F. Johnston: It is more progressive than it has been if it is saying that now.

Hon. Mr. Sweeney: That is what it is saying very clearly. "Take every one of those 4,000 people and move them back into the community." That is that one. In other words, it is saying: "Never mind about the people who are already in the community. Your task is to close those facilities."

Then we have our employees and those who represent them in the facilities saying, "Hey, put more money in here."

When Mr. Barnes talks about a coherent plan and taking it to the public, it is three very different publics with three very different agendas. What we are trying to say to all three of them is: "Can we get together here? Can we get some

sense of balance? We are not going to be able to do any one of them all at once."

Mr. R. F. Johnston: I do not deny the existence of those interest groups, but there is another public out there which I wish was more politicized around this issue in terms of the rights of the people involved here and those of us who do not have a vested interest in terms of a family member or whatever in an institution or in an inadequate community program.

Mr. Barnes: Which is precisely why we have to involve that public.

Mr. R. F. Johnston: Exactly. That is unlike the previous government's approach and how it dealt with this matter; announcing it by fiat and destroying the planning that had been undergone.

Why are you doing the outreach through the institutions? I do not understand that as part of the coherence of this plan at all.

Hon. Mr. Sweeney: It is one of the resources that we have to make use of, quite frankly. It also provides part of the extension out.

Mr. R. F. Johnston: It would be all right if you accept, in the long run, a notion of a continuum of care which includes institutions. If that is part of the philosophy, then it makes sense. However, if you do not include that, then you have to sever that tie.

Mr. Barnes: It has to be included in the total in the sense that you have just said. What did you just say?

Mr. R. F. Johnston: I do not think it does.

Mr. Barnes: I misheard you then. What did you say?

Mr. R. F. Johnston: I am saying that we do not need institutions in the long run.

Mr. Barnes: How long is the long run?

Mr. R. F. Johnston: That is, again, the coming plan. If you are going to get rid of the institutions, then you do not build in a linkage between the community and the institutions that makes the institutions indispensable. That is what I think you are doing with your hub notion: using the institutions for psychometric testing and provision of home support services and that type of thing. You want to have that stuff out there in the community, separate.

6:10 p.m.

Hon. Mr. Sweeney: Some of that serves both the community and the institutions simultaneously. You could not afford it if you had to do both. In other words, we have certain needs within our institutions and can set up some kinds of testing procedures. However, we can also justify creat-

ing that, having it available, if we can get the people out in the community to use that facility.

Mr. R. F. Johnston: What you do, however, is likely to destroy that community program. I look at Windsor, with your special needs programming, and I am telling you that the Southwestern Regional Centre is destroying that.

Mr. Barnes: Let me take a hypothetical case for a moment, because these are the decisions I am faced with. Getting a physiotherapist in southwestern Ontario is difficult, if not impossible. We wait years. Getting expert people is difficult, if not impossible. We wait years.

We reduce the number of people in the southwestern region. That is hypothetical. I want to get them out. Do we then lay off the staff at Southwestern? Do we keep them on as civil servants, move them to Sarnia, and tell them to try to run our program for us externally, because we have no other resources to do it? Do we write off those resources and run an inferior program with unqualified staff, or do we look at the totality of what we have and say that these are our commitments; this is what we are trying to do? We can do only so much with so many dollars. Do we make the best use of the resources we have? Do we just accept the assumption that everybody in a schedule 1 facility is anticom-munity? I do not.

Mr. R. F. Johnston: No; you make jobs in the community for those people with the same levels of pay and unionization that they are getting in the institution, but not as an arm of the institution; as part of the deinstitutionalization that is going on.

The other day, I learned of a woman in Sarnia whose kid was taken to Southwestern because he had been acting out in the shelter. As he was brought to the institution for assessment to see what could immediately be done, he was told that one of the things he might need would be electroshock therapy, electric prod therapy, if he were really unmanageable.

This was part of the continuum of what needed to be done. This was the mindset of the assessors that person was going to. It turned out that the kid did not need that; he was back in the community in absolutely no time at all. He just needed a little bit of extra reinforcement.

This is the crew that is making the decisions of how much money kids and families are given to support them in the community and that is making the assessments of kids with its institutional bias. I think you have to break that link.

If it is going to cost you some money in grandfathering for a few years, then do it, fine

and dandy. However, build up the independent, autonomous groups within the community to run the community programs. Do not let the institutions do it or they will be undermined. If we disagree on that, we can have a debate on it at another time.

Hon. Mr. Sweeney: I am not totally in disagreement with you.

Mr. Barnes: I am not saying we disagree with it. I agree with wanting to use our resources as effectively as possible.

If we can break people away without a problem and set them out on separate terms, and if we are going to get the support of the union in doing this, we will do that. However, we must have total support from all those involved. We have not been getting that.

We are being pulled in three different directions at once; that is why I want to pull it all together. Let us all face the hard choices we have to make in this situation. If we can agree on a line of approach to that, let us get on with it. We are committed to that.

Mr. R. F. Johnston: I should probably move on to some other things. I have for you, Minister, a series of letters sent to me by a teacher. They were written out by her children. I do not have a lot of time to read them into the record, but they deserve to be.

It followed the publication of a long article in the Windsor Star, which you probably saw, on the behaviour modification unit, the use of the prod and other kinds of adverse behaviour modification systems.

As they say, out of the mouths of babes: the condemnation of that system is very poignant. In your review of the use of adverse stimulation, I hope you take into account these young citizens, as well as other people such as myself who want to see this process banned as quickly as possible.

Hon. Mr. Sweeney: I said this in the Legislature and I will say it again: I would like to see the same thing. At a very personal, human level, I have difficulty accepting that this is needed. I am meeting with the review team next Wednesday, if I am not mistaken. It is going to have all the information before me.

Basically, I have two questions. One is that we are now down to 11 people in the province. I think it is seven, three and one; in three places. That says one of two things to me. Out of a population of something like 4,500, do we have 11 people for whom everything else has been tried, nothing else has worked and maybe this is the only answer? That is one possible way to look at it. The other one is that if we have only 11, can

we not develop highly individualized, probably costly, programs that are going to meet their very special needs?

I am going to ask that question, because it seems to say one of those two things. If there are only 11 people, if we do not have hundreds, then obviously we have been able to find an answer for everyone else. Part of the difficulty I have is that some of our facilities say: "No, we do not use this. We have an answer to all of our problems." What I discovered when I looked at those 11 was that almost every one of them had been sent from another institution that does not do this. Finally, they had to admit that they did not know what to do.

Mr. R. F. Johnston: The presumption there that is so dangerous—and I know you will think about this since the answers are quite suspect but the questions have to be asked, as you say—is that everything else has been tried. That is always the presumption. If you look at the staffing issues we have on the wards those people come from, and the kinds of programming that are available to them in terms of individual support and stimulation in those institutions, it is impossible to say that we have done everything we can for them.

On your second question: what if we poured in money, staffing and stimulation to those individuals? We have never tried it, in my view. Those staffs have always had to work under circumstances which made it impossible to be able to say, finally, that they have tried everything.

I could go through each of the wards in every one of the institutions where we have these kinds of potentially abusive patients, if you want me to. If you look at the staffing—not the total staffing but who is on the ward at a given time, which is the important staffing figure—I do not think it is possible to say that we put in the adequate resources to stop those individuals from being treated like animals, which is what we ultimately do when we use the prod.

Therefore, I want to again put in my two cents' worth when you are asking yourself those two questions. I want you to remember we have not had the funding. You cannot have 20 people being handled by two staff people, one of whom happens to be a supervisor who has to leave every now and then. That cannot be done without the staff being at risk, as Mr. Martel has shown with a lot of the work he has done, and without those individuals necessarily becoming more abusive and ultimately uncontrollable.

When you find the magic solution, and you have an institution that uses the magic solution, even if it is dehumanizing, it is so much easier to

send that person back when they start to exhibit those same tendencies, when they return to the former institution or go to another one.

I realize I have only 10 minutes and I am not going to be able to deal with all the other things I wanted to raise with you. I want to come back to a question of what is happening with the adult protective service workers and, again, what I am worried about in terms of labour relations with your ministry.

It is not just adult protective service workers, either. Do you know the case of the field worker in Manitoulin, your only one, Mr. Ray Joncur who is, as of today, finished with the ministry? I do not know who is handling Manitoulin now, the program planning for mentally retarded people, but he is gone.

Mr. Barnes: In field work or adult protective service?

Mr. R. F. Johnston: What is his actual title? Family support worker.

Hon. Mr. Sweeney: When you say he is finished, has he resigned or has he been let go?

Mr. R. F. Johnston: He has been let go.

Hon. Mr. Sweeney: By whom?

Mr. R. F. Johnston: Do you want me to read you his letter?

Mr. Barnes: Who does he work for?

Mr. R. F. Johnston: He has been working with the Manitoulin Health Centre in Little Current. The program is sponsored through funds provided by the Ministry of Community and Social Services.

Mr. Barnes: He worked through an agency.
6:20 p.m.

Mr. R. F. Johnston: Yes, but he has gone through a long labour dispute recently, which he won at arbitration, which increased the amount of money he receives as an individual in recognition of the work he has done. That was recognized by the labour relations authorities in this province and it is kind of suspicious that, all of a sudden, he is gone.

Hon. Mr. Sweeney: Is this part of the study up there to merge several different programs together? Is Manitoulin part of that?

Mr. R. F. Johnston: I do not think this would affect his particular work in this area.

Hon. Mr. Sweeney: Elliot Lake and the Sault are part of a program they are looking at now.

Mr. R. F. Johnston: I am not sure. Manitoulin was often dealt with through the Sudbury office in the past and I presume it still is. It may

be similar to the arrangement for some of your adult protective service workers in other areas where, essentially, you or somebody is saying that perhaps they should become more generic or that their case loads are too small, etc. Although you said the other day that the Sheridan case and the Algoma case were two operations, I would ask you to—

Hon. Mr. Sweeney: They are the only two I am aware of.

Mr. R. F. Johnston: I wonder if you would look at the Stormont, Dundas and Glengarry, Prescott-Russell area. A new model is being proposed there which would increase the number of clients per workers and presumably therefore reduce the number of adult protective service workers. If you look at Muskoka and Parry Sound, recommendations have come forward suggesting that we create generic case loads so that family service workers and APSW positions could be combined.

If you look at the Niagara area, there is a review of the APSW program occurring. A proposal was suggested that there be a re-evaluation of the division between family service workers and adult protective service workers. There is the case in Thunder Bay as well, where I gather the Lutheran community care services is going to be the delivering agency and existing APSWs have been asked to reapply for their own jobs. It seems to me these people have a right to feel under threat in the province. Let us look at the background at Sheridan. There was a labour decision which increased the value of those individuals, which became part of the reason for their being no longer as welcome there as they had been before, as I understand it.

I am not sure it is as clear cut as you would say, that there are in fact just these two aberrations, but there seems to be some pressure on family service workers and APSWs, advocates in the system with two different kinds of mandates, and the desire to introduce a cost-saving method to take away a bit of independence, to add more case load and maybe make them less effective. Such a thing as an amalgamation of services such as we are seeing in Algoma, which in principle is not a bad thing, could be much less effective than it would be if the APSWs were separate from that organization and able to therefore operate with even an amalgamated service rather than being part of it.

I do not know what is behind all of this but that is the lie of the land as it has been given to me and I would be interested in your comments.

Mr. Barnes: Let me comment immediately. The objective of the exercise is not to reduce the effectiveness of the adult protective service worker system. I would like to see it increased in its effectiveness. There is no question at all that at one level, in terms of management co-ordination, there is a case to be made for different models in different communities where there are not sufficient resources and all the rest of it. The recommendations made by the consultants in the Sault were agreed except for two areas, one of which was the adult protective service worker.

The problem is, where do the adult protective service workers report if they are to be effective? There was no adequate answer given to that in anything I have ever seen from the Ministry of the Attorney General to a whole series of local municipalities. There were reasons against a number of things. I think we have to find an answer to that. I am aware of the Oakville thing. I think that is different, actually.

I am also aware, although I am not aware of any other situations at this moment, that there will be pressures to co-ordinate services, particularly in communities where the resources are less. I have asked that there be a review—I make no bones about that—to identify exactly what our longer-term approach should be to this problem in terms of ensuring that the appropriate reporting relationships work, that the advocacy role is protected, and also the ability to manage cases effectively.

Maybe all those roles together are too much; I do not know. Maybe there is one ideal reporting relationship; I do not know. Maybe it is going to vary area from area; I do not know. I want some answers to that because it has been a problem that has been on the table for a very long time and I do not think it has ever been adequately addressed. I am not sure whether that is because we have not tried hard enough. I do not know whether we thought we had found a solution that is now under question. I do not know whether we did not think sufficiently creatively about the issue. We are looking at it right now.

Mr. R. F. Johnston: I will try to come back to this with you again in discussions either in the

House or privately. I will have to leave some of these matters for another time. The last thing I would like to touch on is a matter that was raised in the House recently by the member for Beaches-Woodbine (Ms. Bryden). That is the case of Vito Desimini, the retarded fellow who ran afoul of the Ministry of Revenue for filing his income tax several times and that sort of thing.

Hon. Mr. Sweeney: That has been dropped.

Mr. R. F. Johnston: I know that part, but I have had a letter from his adult protective service worker basically pleading to try to find an appropriate placement for him so that we do not run into these kinds of problems again. He essentially is saying that the man disappeared shortly after the newspaper articles. I do not know if you knew that.

Hon. Mr. Sweeney: Yes, I was told that.

Mr. R. F. Johnston: He went missing and then he turned up in Seaton House. This worker is concerned that he will not get a suitable location. I want to mention that to you.

You probably have as much of this file as I have and I know the worker has written you recently about it. I would like to put out a plea—this is an example of what you are talking about and the difficulties you have in the various fields of community living and the absence of programs or the need for more money—that in his case you will be able to provide some protection.

Hon. Mr. Sweeney: Before we break this up, may I say on behalf of all of us, have a good trip and represent us well. We are all a little envious of your trip. Wear your hard hat.

Mr. R. F. Johnston: As of yesterday, I was a little more nervous than I was before.

Interjection.

Mr. R. F. Johnston: I know. They will have more weapons to get me with. I have heard from our ambassador at the United Nations that the International Court at the Hague is going to rule against the United States tomorrow on the question of the mining of the harbours.

The committee adjourned at 6:28 p.m.

CONTENTS

Thursday, June 26, 1986

Adults' and children's services program:

Income maintenance..... S-453

Adjournment..... S-480

SPEAKERS IN THIS ISSUE

Cousens, W. D. (York Centre PC)

Johnston, R. F., Chairman (Scarborough West NDP)

Martel, E. W. (Sudbury East NDP)

Witnesses:

From the Ministry of Community and Social Services:

Sweeney, Hon. J., Minister of Community and Social Services (Kitchener-Wilmot L)

Stapleton, J., Policy Analyst, Family Support and Income Maintenance Unit

Barnes, P. H., Deputy Minister

Duda, G., Assistant Deputy Minister, Community Services Division

Bundock, L., Manager, Program Information



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S77



No. S-20

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Estimates, Ministry of Community and Social Services

Second Session, 33rd Parliament
Thursday, July 3, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC



CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, July 3, 1986

The committee met at 4:15 p.m. in room 230.
ESTIMATES, MINISTRY OF COMMUNITY
AND SOCIAL SERVICES
(continued)

On vote 2902, adults' and children's services program:

The Acting Chairman (Mr. Offer): I would like to call the vote on vote 2902, item 4.

Mr. Cousens: Can we leave the vote, if it is all right? It will allow other members to come in. At the last minute, we can bang right through them all.

The Acting Chairman: No problem.

Mr. Cousens: I have a question on vote 2902 anyway; there are several items there. How much time is left in our estimates all together?

The Acting Chairman: Three hours and 44 minutes.

Mr. Cousens: I have a question that has been passed on to me by the member for Parry Sound (Mr. Eves) regarding a constituent. It ties back into vote 2902. I could not find exactly where it would go.

Hon. Mr. Sweeney: It does not matter.

Mr. Cousens: Perhaps the Minister of Community and Social Services (Mr. Sweeney) will give this some consideration. It is a situation about a gentleman whose wife is on a disability pension, which I think is the guaranteed annual income system for the disabled; It was third-hand information once I got it. The husband has a job, but every time he works overtime her benefits are reduced. What is happening is that this unfortunate situation is highlighting in the minds of people in Parry Sound, certainly in the case of that member, the inadequacies of our present social assistance program. Are persons who are disabled and currently receiving benefits included in the minister's review of the social assistance system?

Hon. Mr. Sweeney: Yes. All people who are receiving any type of income support from the province will be included in that review.

Mr. Cousens: Can you give them any reason for hope?

Hon. Mr. Sweeney: At present, most of our income support programs are based on total

family income. It is all taken into consideration. Therefore, the provision you described does properly kick in, as you described it.

One of the reasons for the review is to look at that whole range of procedures to see whether they continue to be as appropriate in 1986 and 1987 as they were when they were first introduced. At this point, I cannot say what the recommendation or the final result will be. However, I can tell you this is the type of thing that will be looked at. People such as you described will have an opportunity, directly or through some other spokesman, to make the case that it should or should not be continued.

Mr. Cousens: Here is a thought I would like to see the ministry consider in its review of this situation. When we see people helping themselves and finding an opportunity to expand and improve their own position through their own work, there might well be a buffer that is interpreted as a free zone, which would not affect all the other income. Suddenly, they start having it on an ongoing basis. It might be a time buffer to allow them to have extra income or there might be a certain range they would be allowed to go over, so that they are encouraged to break out of the syndrome of being totally reliant on government support.

4:20 p.m.

Hon. Mr. Sweeney: As you are probably aware, an incomes buffer, as you describe it, is built into the program now whereby income recipients can earn a certain amount of money without having anything deducted from their benefits. It is mostly part-time work. There is a point at which they are allowed to earn more and only have 50 cents on the dollar and there is another point at which it is dollar for dollar.

The main purpose is to provide the kind of transition zone you describe, so that people can move gradually from total dependency on income support to partial dependency to full independence from it. The difficulty from time to time is that full independence is not necessarily everlasting. Things happen and they might have to slip back. That is probably what you are describing. They are at the buffer zone already. They are allowed to earn a certain amount before it triggers. Once you go beyond that, the

mechanism does trigger. No matter where you set the line, there will continue to be a situation where people go a little over the line for a time.

I do not know where one sets it, whether it is at \$200 extra or \$400 extra. There is a buffer there already; I believe it is about \$200.

Mr. Cousens: This has to be an integral part of the review. You also fall into the problem that it cannot be a review just for now; it has to be a continuing review in the light of inflation, costs and where people are living. The situation in Metropolitan Toronto and urban areas is different from other parts of the country regarding cost of housing and cost of living. It is so much higher in Toronto than elsewhere.

Mr. Sweeney: Mr. Cousens, let me make one observation. The situation now is based on a piece of legislation dating back 20 or 25 years, to which a number of amendments have been made. That is why we have a patchwork quilt. As situations such as you describe arose from time to time, the government of the day made specific changes to try to deal with them. We now have a piece of legislation with all these changes built in that has reached the point where it is very cumbersome.

We want to end up with a piece of legislation that starts afresh. That does not mean we will not make changes from time to time, for this government or any future government. I suspect they will have to go through this process all over again 20 years down the road.

To the best of my understanding, legislation of this type has never been carved in stone and made unchangeable. As conditions and people's needs have changed, amendments have been made to it. It has reached the point now where we would like to put it all together in a better, integrated, co-ordinated package and deal with some situations that might not have been dealt with as effectively as they should have been in the past.

I do not want you to get the idea that it is ever final. It will not be. We are dealing in human terms in this legislation and it will never be final.

Mr. Cousens: That is the spirit in which I want to see it with the caring our government must have for those not able to do it totally by themselves. Out of this comes a sense of the removal of the judgement of society because some people cannot do it without government help. We must remove some of the stigmas that are part of it.

Through the review, you will look at the buffer zones and at ways in which people can gain pride and a sense of confidence in their achievements. It can build on itself for further successes. They

will find those opportunities. It is important and fundamental that we continue to watch that there is the kind of openness you describe.

Hon. Mr. Sweeney: Let me speak to your use of the term "stigma." One of the aims of our ministry has been to identify publicly the fact that a significant number of people have been left behind as the economic structure of society has changed over the past few years. Through no fault of their own, they have been the innocent victims, if you can accept that term, of that change. Many of these people are on our support program, not because they want to be or because they have done anything to deserve to be there, but because economic conditions have changed around them.

We have done two things. We want to make sure in our public utterances that people understand we have a responsibility as a society. If we have put people in that situation, if we have created a set of conditions that allows them to be in that situation through no fault of their own, society as a whole has a responsibility to them. Equally important, society has a responsibility to assist these people in getting back to a position where they can be independent and autonomous. This is something you have mentioned a couple of times during these estimates. That is shown clearly by the fact that in the past, the graphs comparing unemployment and economic decline in this country and the numbers of people on general welfare have run fairly parallel.

In the past couple of years, however, that has not been true at all. While economic activity and the unemployment picture have been improving, the number of people on general welfare has gone up a bit. This shows that there has been a real twist, if you will, to the way people fit into the economic structure of our society. There is no doubt at all that people are definitely being left behind and we in society as a whole are partially responsible for that.

In other words, if we accept the premise that our industry has to become more automated and use more robotics to compete in the international market, and if as a result a lot of people who were previously able to get jobs in those industries cannot get them now, through no fault of their own, that is partially our decision.

It is not an individual-person-who-ends-up-as-victim decision. There is no disagreement between us that the concept of stigma has to be spoken to in a clear and public way. I also hope that will be one of the benefits of the review, that as the review team moves around the province, holds hearings and looks at things such as this,

sufficient publicity will be given to the fact that there are innocent victims today and that society has a responsibility to assist them.

Mr. Cousens: With the permission of the member for Parry Sound, and I do not have it now, I will try to give you and your staff the name of this person. I believe it would be an ideal situation to include in your review. Obviously, not everybody is able to break out of the mould. It is our intention to do everything we can to help them. With your words of encouragement, I will pass it on, subject to obtaining the permission of the member for Parry Sound (Mr. Eves).

I do not want to take away time if you have any questions to add.

Mr. Lupusella: Actually, I am very thankful. I am not a member of this committee; I am filling in.

I followed with interest the minister's statement about society at large, which has a responsibility towards people covered under the Family Benefits Act. Am I correct? Perhaps I missed your original point. You will not find any person who will disagree with such statements. One thing I would like to bring to your attention is that if this is the case and if you strongly believe in such premises, why do you tolerate the existence of general welfare, which should not be under the jurisdiction of the municipalities, to assist people? I think welfare recipients are subsidized by home owners in the province.

Do you not think it is time that society as a whole, through a more progressive income tax, took on that responsibility? Eventually, little by little, you should scrap the welfare scheme that falls under the jurisdiction of the municipalities.

4:30 p.m.

Hon. Mr. Sweeney: Let me respond to Mr. Lupusella's point. I am sure he is aware that the two programs we have in the province, one dealing with short-term needs—the general welfare program—and one dealing with family benefits needs, have grown up over a long period of history. One of the reasons the province has made greater use of its municipal government structure and the funding structure that flows through it is that we have a much broader-based and longer-lasting municipal base from which to draw. You are aware that the province pays 80 per cent of the cost of general welfare and the municipal base pays 20 per cent.

Part of the income-support social assistance review that will be starting shortly will be to look, not just at general welfare but also at the whole range of sharing programs between the provincial government and the municipal gov-

ernments to see whether they should still operate in this way.

Let me make one observation. One of the things we will be doing is looking at other jurisdictions, in Canada at least. Most do not have two programs; they have a single income-support program. We have discovered that whether they call it two different things, they have two components within the single support program—a short-term one and a long-term one. In almost every single case that has come to our attention that we have been able to peruse, the short-term benefits are less than the long-term benefits. We want to be sure that we do not solve one problem and create another.

However, your observation that the local property taxpayer should not be supporting social programs through his or her municipal government is one that a lot of people support. We will be looking at it.

Mr. Lupusella: I appreciate the minister's answer. With the review that will take place in this field, I hope we will end up in a situation where the municipality will not get involved in so-called welfare assistance. The fact that the province is paying 80 per cent of the total cost means that we are dealing with 20 per cent that is paid through property owners. We should reach an ideal position in which welfare or family benefits should be the responsibility of the province and the municipality should not have a voice in that. Through this review, I hope we end up in an ideal situation that will include your principle that society at large must have the responsibility to look after these people.

The other point I would like to bring to your attention is the result of my involvement in helping people at my constituency office. There is some reluctance on the part of family benefits to accept or review applications of people who have been receiving welfare assistance for a certain time. As you stated, welfare assistance is usually given for a short time, based on economic conditions or things that are changing in the principle of family unity and so on.

I strongly believe that it takes too long for a person to leave the welfare assistance payroll and go to family benefits. The allowance from family benefits is higher than the amount of money given by the welfare department. I do not understand why there is this incongruity between the welfare department and family benefits. Most of the time, people lose a lot of money. They should be eligible to get family benefits rather than receiving welfare assistance, but in the meantime there is some resistance either at the

municipal or the provincial level to review and analyse the applications of these people.

I look forward to getting some sort of answer because in each case I find some hostility either from the municipality about conveying the message to family benefits or vice versa. It is not fair to many people.

Hon. Mr. Sweeney: As you have already described, the provincial government is totally responsible for family benefits and the local municipal government is responsible for general welfare. Two groups of recipients in particular can move fairly quickly from welfare to family benefits: the disabled and single parents.

One of the difficulties we have had in the past and still have in some municipalities is that two levels of government are dealing with the same person in taking the initial application, investigating and keeping files. You know those as well as I do.

One way we have responded is through the integrated program in several municipalities. As you know, it is still in the experimental stage and has been for a couple of years. We have about five now—

Mr. Barnes: Seven.

Hon. Mr. Sweeney: Seven—whereby a single source does all that. One person talks to the client and makes all the arrangements instead of having to bridge two levels.

In the municipalities in which it is in place and confirmed, the period of time taken to make the transfer has been reduced considerably. Where it used to take approximately seven months, it is now down to less than four months. It has been cut almost in half. We have indicated to the municipalities that agreed to confirm this program that we are prepared to provide additional assistance so they can reduce it even further.

That is one way in which we have made the move. As we indicated a few minutes ago, the review, which we hope will bring firm recommendations within eight, nine or 10 months, will speak to that issue as well.

The other point I would keep in mind is that when people first have a need, the mechanism that can respond most quickly is local general welfare assistance. That is why everybody goes on that initially and then moves into family benefits as soon as the investigations have been done.

In our judgement, if we are to continue to improve that situation, it has to be at the local level; it cannot be done at the provincial level. One reason we asked municipalities to head that up was that they have the local resources that we

do not have. It seems to be working very effectively in seven pilot programs. It is cutting the time approximately in half.

Mr. Lupusella: There is improvement, and I have no proof to the contrary, but the ideal situation is the one that will convince municipalities to stay out of the welfare assistance and where all people will be covered by family benefits allowance.

The recommendation I made to the previous administration two or three years ago was to have a duplicate application when a person applies for welfare. The same application should go to family benefits. If this process were applied, it would solve the problem and improve the service to people as well.

As I told you, there are many people who should not be on welfare. They should be covered by family benefits, and your department is not aware of that. One application to the municipality for assistance on a temporary basis and the other to your department of family allowance would solve this situation.

I hope this review takes place as soon as possible and that you understand my position, that society at large should be responsible for looking after these people. I would like to see the municipalities and the province stay away from this particular program.

There is another point I would like to bring to your attention.

4:40 p.m.

Mr. Cousens: I have something to tie in.

Mr. Lupusella: Yes. Go ahead.

Mr. Cousens: Page 48 deals with transfer payments to the municipalities, in which there is a substantial increase. Can you be more specific about them? What does this increase entail?

Hon. Mr. Sweeney: I cannot, but I am sure there is somebody here who can.

Mr. Cousens: The increase from \$336 million to \$431 million. Michele, can you explain that?

Mrs. Noble: Page 48 is a summary of all the transfer-payment lines under adults' social services. Therefore, the increase there does not strictly comprise transfer-payment increases to municipalities. The total transfer payments under this program would include those in support of seniors, such as municipal and charitable homes for the aged, as well as counselling services and workshops.

It summarizes a variety of lines, which are then detailed in the subsequent pages of your book. It is not just transfer payments to municipalities.

Mr. Cousens: I did not do all the adding up. What was the significant reason for the increase from \$336 million to \$431 million?

Mrs. Noble: As I mentioned to you, that would include senior citizens' programs; so the increases there would have included the economic adjustments of four per cent for both the municipal and charitable homes for the aged.

That figure would also have included increases in home support services for the elderly as well as increases in residential, counselling and supportive services. It would include EOP, the employment opportunities program, which the deputy discussed at one of the previous sessions. That would come under counselling.

It also includes economic adjustments across a series of programs: homemakers' and nurses' services, support services for the physically handicapped and a whole variety of programs. A minimum of four per cent of that figure is straight economic adjustment to most of those programs.

Mr. Cousens: Does that account for all of it?

Mrs. Noble: No. If you wanted a detailed reconciliation, we could give it to you. It is right across a whole series of programs.

Mr. Cousens: I would not mind seeing that if I could.

Mrs. Noble: Okay.

Hon. Mr. Sweeney: Excuse me, Michele. Would that include the movement of the developmentally handicapped from the facilities to the communities? Would that become a community cost, or is that somewhere else?

Mrs. Noble: That would come under developmental services. In terms of the big items, you are basically seeing the economic adjustment, the increases in the home support program for the elderly and the employment opportunities program and its counselling-type initiatives.

Mr. Cousens: I would appreciate a further breakdown of that.

Just below that, we have an indication of the absence of funding under the interprovincial lottery fund. What is the rationale for that? I should know, but I do not. Why has it gone to zero from \$9 million?

Hon. Mr. Sweeney: I believe that was money given to us for capital projects.

Mrs. Noble: Last year's portion of that was the capital funding for seniors, which is available this year. Is that in the general capital line? We will have to check.

The lottery funding money under this particular vote was the capital funding for the homes for

the aged initiative in terms of the conversion. That money is being continued in 1986-87. I will have to check into the zero amount shown on the page, because the money has been continued into this year. It may simply have been accounted for in the general capital line.

Hon. Mr. Sweeney: Mr. Cousens, as a total program in our homes for the aged, we had an allocation of about \$75 million for a three-year period.

Mrs. Noble: That is correct.

Hon. Mr. Sweeney: Part of that was this allocation. You will notice it was not allocated in 1983 or 1984. It was a one-year allocation.

To the best of my knowledge, the capital allocations from lottery funds have not yet been announced this year. At least I am not aware of it anyway.

Mr. Cousens: Where is the lottery research program shown?

Mrs. Noble: Research funding is under—

Hon. Mr. Sweeney: The \$5 million, that one?

Mrs. Noble: The \$5 million, I believe, is under policy and program development, vote 2902, item 1. Again, that money has not been shown in the printed votes.

Mr. Cousens: Is there any reason it is not shown?

Mrs. Noble: I am not the person to answer the question.

Hon. Mr. Sweeney: We will get an answer on the \$5 million that we have been getting from the lottery for research.

Mr. Jordan: The interprovincial lottery funding for research is shown in policy and program development activity in vote 2902.

Hon. Mr. Sweeney: What item?

Mr. Jordan: Item 1, vote 2902.

Mr. Cousens: What page is it on?

Mr. Jordan: It is on page 27.

For the fiscal year 1986-87, it has been relabelled as policy and program development projects. The \$935,700 is primarily a portion this fiscal year of the total \$5-million interprovincial lottery fund. There has been a series of contracts negotiated with the Canadian Mental Health Foundation, which will see a variety of principal investigators funded over the next five years.

Mr. Cousens: Is there actually that much more money than last year, as indicated here, or what is happening?

Mr. Jordan: Last year there was an amount of \$250,000 allocated from interprovincial lottery

funds but not principally for research. It was money provided to the West End Creche in Metro Toronto for capital assistance.

Mr. Cousens: How much money is there in that fund this year?

Mr. Jordan: It would be \$750,000 allocated this fiscal year. I believe it increases to \$1 million next year and \$1 million in the third year and then decreases in the fourth year and fifth year for \$5 million in total over the five years.

Mr. Cousens: What are the criteria for eligibility for that funding?

Mr. Jordan: For the research funding?

Mr. Cousens: Yes.

Mr. Jordan: I would have to refer to the actual contracts, but as I recall, it is money intended for the research into mental health, developmental handicaps and physical handicaps. It is pure research really and applied research as well.

The contract with the Canadian Mental Health Foundation is intended for it to act as a clearing house whereby investigators in the province, researchers, would apply to the foundation and access the funds that the ministry and government have made available. It would act as a broker on behalf of the ministry in terms of bringing forward what it felt were reasonable projects for fundings.

Mr. Cousens: Is there a report on the number of projects? What are the objectives of the projects? How many people are involved in the research? What is the result of the research? What are the long-term plans for this money over the time in which we are going to be investing in it? Is there something on that?

4:50 p.m.

Hon. Mr. Sweeney: Excuse me. There is one thing you should be aware of. This \$5 million of research money, which will be spread over the next five years, was announced publicly only about two months ago. I think I announced that in Ottawa at the mental deficiency conference.

Basically, we are allocating this money and, as Mike has indicated, the Canadian Mental Health Foundation is going to act as our broker. We invited all those people who wish to do research in this area. At that conference, I was dealing specifically with the mentally handicapped, but as Mike has indicated, it deals also with the physically handicapped. What is the third one, Mike?

Mr. Jordan: The developmentally handicapped.

Hon. Mr. Sweeney: I do not think we can tell you how many applications the Canadian Mental Health Foundation has received. I am not aware of them.

Mr. Cousens: What is missing is a detailed, concrete objective on how this money can be used over the long term and what you hope to achieve with it.

Mr. Barnes: Every contract is awarded in the context of objective results to be obtained, what we want from it.

Mr. Cousens: What is the expectation from this over the long term, even before that? Is there a clearly defined goal for this funding?

Mr. Jordan: The contract between the ministry and the Canadian Mental Health Foundation is quite explicit with respect to how the money would be used.

Mr. Barnes: I understand the interprovincial lottery fund is made available for research in these areas, rather like the Natural Science and Engineering Research Council. In other words, the money is available for research in specified areas, with panels and groups that judge what that money should be awarded to, based on objectives and so on.

Mr. Cousens: If I hear you correctly, you are saying: "Let us just have some research. It would be nice to have research." However, you are not really—

Mr. Barnes: No, I am not saying that. I am saying that people outside the ministry at the interprovincial level cannot judge where the research should best be applied. We have very clear statements of what we expect from research, whether in areas of primary, secondary or tertiary prevention. We are looking for the quality of the submissions that have been made to us, like those made by a university for an NSERC grant.

Mr. Cousens: Do you have a defined goal for this funding over the five-year program?

Mr. Barnes: In each of the projects, yes.

Hon. Mr. Sweeney: Mr. Cousens, may I partially address that? One of our points is that we are dealing with developmentally handicapped people in facilities, in their community and living with their own families. We are trying to meet concerns in each of those situations. For example, how can we make life in a facility, in an institution, such that it represents a transition into the community?

Mr. Cousens: Can you live with that? Is what you just said one of the key questions on how this money will be spent?

Hon. Mr. Sweeney: A whole series of questions is being asked.

Mr. Cousens: I would like them defined.

Mr. Barnes: May I put this in the context of research? I do not think the universities would be delighted if the government said all research must be spent on specific objectives of the government. It assumes there are people working in universities, experts who have excellent ideas on where research will best produce the results.

It looks for input from those people qualified to undertake research to come in and say, "We think there would be maximum benefit in the area of the developmentally handicapped if we did research at this time into this particular area of activity." We then take those, compare them and look at what is most likely to give us the best payoff in terms of research at whatever level. We are not going to try to prejudge it; that is what I am trying to say.

Mr. Cousens: But I do not hear you giving—

The Acting Chairman (Mr. Reycraft): Mr. Cousens, I think Mr. Jordan wanted to respond to your question.

Mr. Jordan: I was going to say that the contract between ourselves and the Canadian Mental Health Foundation is available. We could provide a copy as well as the terms of reference and terms of the requests for proposals that the Canadian Mental Health Foundation has made available to investigators in universities.

I am aware of the number of contracts left under that overall umbrella, which we could also make available for you to review.

Mr. Cousens: Is there a minimum or maximum amount for any one grant or is it wide open?

Mr. Jordan: Yes, I believe there is.

Mr. Cousens: What is the approval structure when the grant is taken through from then? Is it all funded to them and they give final approval or is there ministerial approval?

Mr. Jordan: No. The ministry's manager of research and program evaluation and his staff are part of an overall committee with the Canadian Mental Health Foundation and invited guests from research institutes at universities in Ontario that act in a peer review capacity to look at the research proposals and determine whether they meet the objectives of the stated research program.

Mr. Cousens: The same people review the ongoing studies and results of this.

Mr. Jordan: Yes. Each contract that is let identifies a schedule of interim reports that are

required. The funding is conditional on the receipt of those reports and audited statements indicating from the universities' administration that the funds were spent for the purposes contracted for.

Mr. Cousens: I am in total support of the program. In one sentence or two, tell me the objective of the research as it applies to different areas.

Hon. Mr. Sweeney: Maybe I can come at it from a slightly backhanded way. At present, the ministry has certain questions it wants answered and does its own research. We also have contracts—with Queen's University, for example, which is doing some specific research for us at Rideau Centre.

There is a whole series of issues out there dealing with the developmentally handicapped about which other people have good ideas. As the deputy mentioned, one is prevention. We want the research community, separately from the ministry, to come to us through the Canadian Mental Health Association and say, "Look, here is a valid project we would like to work on from a research point of view, but we feel it would be of benefit to you as a ministry, as a service provider, for these reasons." We either agree or disagree. We are not telling them we want research done on this and this.

Mr. Cousens: What is missing is any direction from the ministry as to where it really wants to go with this money. The idea that we are going to have long-term investment in research, development and planning is excellent. There are so many areas. However, I do not see you coming out with a focus.

Mr. Barnes: We could show you that there is a focus, if you looked at the materials put out by groups such as the Canadian Mental Health Association.

Mr. Cousens: But there is no focus from the ministry.

Mr. Barnes: There is a focus.

Mr. Jordan: There very clearly is. During the past several days, I have seen some of the research projects that have been approved. I can give you specific instances, if you like, of the kind of research that has been undertaken.

Mr. Cousens: I support the research, but I do not see the leadership coming from the ministry.

Hon. Mr. Sweeney: There are two different kinds of research, and that is why I try to distinguish between them. There is that which the ministry itself wants done. The ministry has certain questions, concerns or problems it wants

resolved. That kind of research is directed by the ministry. I think that is what you are talking about.

Mr. Cousens: Can you define that? How many of those are there?

Hon. Mr. Sweeney: I cannot tell you right now.

Mr. Cousens: Do you have specific projects in process right now like that?

Mr. Barnes: Yes, there are, but I have no idea how many.

Hon. Mr. Sweeney: We will identify them for you. Those are ministry-directed researches. That is a very specific process.

Mr. Cousens: I would be interested in seeing those.

Hon. Mr. Sweeney: Okay. As well, there are lots of other people outside the ministry who have their ideas as to what should be researched. That is not directed. We are not telling them specifically that we have, say, five questions we want asked. We are asking researchers with expertise, knowledge and experience in particular fields to make proposals to us.

Mr. Cousens: What percentages of the money are directed and nondirected?

Mr. Barnes: Let me give you an example of why it is not quite as easy to answer you in the terms you want. As an administrator, I know nothing about the causes of mental retardation, yet there is growing evidence and research on the linkages between genetics, chromosome imbalance and malformation and certain mental retardation syndromes.

We want researchers in these areas to come in and tell us where they are most likely to do research that will give us the most progress, to enable us to have some chance of looking at the potential for prevention or actually dealing with different types of mental retardation. I am talking about prevention in a fairly broad sense. We are very interested in seeing the research put into prevention. We are very interested in seeing it put into epidemiological studies, with the net objective of ensuring that the resources we have are spent as effectively as possible.

We do give through the mental health association and we can let you have specific areas of activity we think are likely to have the highest payoff. However, we also give encouragement to researchers to come to us and say, "We think there will be a payoff in the prevention of mental retardation in the following syndrome areas, if you will give us so much money."

Mr. Cousens: I am not starting an argument on that. I want to know what the focus of the ministry is. I would be interested in seeing this document. I would like to have it before Monday's estimates, if I could, to know what you have asked the mental health association.

Mr. Lupusella: I would like to interject on your point, if I may. If you gave a practical example, maybe the minister would understand what you are talking about. I share some of your concerns about the leadership and focus of this research, that eventually the people who are affected will not get the benefit of it.

Mr. Cousens: We want it to be valuable and worth while.

5 p.m.

Mr. Lupusella: The immediate question to the minister is whether you are using this type of research for people who are in institutions which fall under your jurisdiction.

Hon. Mr. Sweeney: No.

Mr. Lupusella: Where is the research going to?

Mr. Barnes: It is not the research, it is the people.

Mr. Lupusella: The member for York Centre (Mr. Cousens) is saying you do the research and you get the information, but how do you display the information so people will get the immediate benefit of this research? How do you utilize the research?

Hon. Mr. Sweeney: There has been a circulation of these types of research opportunities to the people who are most likely to do it. Research departments and universities are advised that this money is available and are asked to make an application. All the people who are working with the mentally retarded in any way are made aware that this money is available.

For example, a psychologist in private practice could put in an application. It is not limited to people who work for us, and it is not limited to people who work in institutions such as universities. It is open to anyone. The circulation of the opportunity is made to those people for whom we feel there is an interest and some expertise.

Mr. Lupusella: All right. Let us say a psychiatrist who is interested in this type of research gets a grant and after six months or one year he sends you a copy of the research.

Mr. Barnes: We have complete contracts on what has transpired, so there is no problem.

Mr. Lupusella: After the research is done, it is under your jurisdiction. How will the patients

who are affected by the research get the benefit of the research?

Hon. Mr. Sweeney: It is all published.

Mr. Barnes: Generally, it is made available to professionals who want it.

Hon. Mr. Sweeney: Professional journals carry the results.

Mr. Barnes: The reports are published.

Mr. Lupusella: I am as puzzled as the member for York Centre. Why is the research done? The paper is going to be circulated, but eventually the people affected by the research will not get the benefit of the research.

Mr. Barnes: The people will get the benefit. Research papers are published. For example, there is lots of research into rubella and the need for vaccination against it. The result is there is a program for vaccination. That goes back into history. The results are all published and made available. We are dealing with early research, with highly professional research and with chromosome photography, which is made available to professionals and to anybody who wants to read it. Obviously, we have research that is useful to us. A key element of the research is prevention in the three areas Mr. Jordan mentioned earlier on.

One of the complaints about this ministry is not lack of direction, but too much direction. We spend \$3 billion a year. Only \$5 million is made available for people with ideas in the areas that are covered by our mandate to come forward and say, "We think we have something to contribute but we need the money." As far as I am concerned, the concept and philosophy behind it is very much like the university grant where you know there are a lot of very good people out there who have something to offer and who do not have the grants to follow through on that research.

We are looking forward to them coming forward to us and saying, "In the areas you have defined"—bang, bang, bang—"with primary concentration on prevention, and we can let you know what the other areas specifically are because we do define them, here are projects we would like to enter." These are reviewed by a board which is knowledgeable in these areas, it then recommends and we put up the money for the research.

Mr. Cousens: I am not opposed to research. The thrust is a good one, but the sharing of the information is essential. The distribution of that information through periodicals and through general information that you have to show it is there, and then people coming to the library, is

probably one of the weak links at this point. To what extent are all the people around this province aware of some of the improvements?

In the whole idea of research, probably one of the best libraries in the province is the one in our own Ministry of Community and Social Services. You maintain a very powerful literary section there of what is going on, not only in Ontario and Canada but also in the world. Undoubtedly, resources there which are being found from other jurisdictions can be of assistance.

To me, the emphasis on research and the distribution of the idea so more and more people at the grass roots and in the field are aware of it is one aspect. I know it is one that you can never do enough of, because as soon as you get people's appetites whetted, they will read more, grow and expand what they are really trying to do. That is all one thing. We do not even have time to go into that now.

When the deputy minister got warmed up on the subject, he started to give some of the directions you are hoping to have, some of the objectives of the funding. If that is what you are saying, it was not said when I first asked the question.

Mr. Barnes: I understand that. I am sorry. I was trying to put over the concept of broad areas in which research could be carried out and expertise on the specifics relied on. I felt you were trying to get at the specifics. I was trying to explain that I did not feel it was appropriate for us to deal with the specifics initially, but to make judgements on the specifics that were brought to us. However, I believe we are saying the same thing.

We can bring you the broad categories of areas in which we want to see that \$5 million spent.

Mr. Cousens: It should be well advertised. People have to be made fully aware that there is an opportunity for them to go on sabbatical or undertake a study on social services through Queen's University or one of the other universities. It should not necessarily be restricted to Ontario, because there may well be others who are studying outside and coming back to Ontario. Is there any restriction to only Ontario universities receiving funds?

Mr. Barnes: I am not sure about the interprovincial lottery funding. Is it restricted to Ontario?

Mr. Jordan: I do not know.

Mr. Barnes: I do not know the answer to that. I could find out.

Mr. Cousens: May I go on to another subject? There are so many things still to get into.

Has it been decided where the six additional sites under the integrated homemaker program are going to be?

Hon. Mr. Sweeney: The new ones? No.

Mr. Barnes: Not yet.

Hon. Mr. Sweeney: We have had about 20 applications from communities across the province indicating an interest in that. As you have probably recognized from the initial six sites, we tried to disperse them in terms of both geography and different kinds of communities. We want to do the same thing with the next six to eight. This will be roughly a four- to five-year program covering the whole province. We committed ourselves in advance to using its first two years as a series of alternatives. I do not like to use the word "pilot," but it is that to a certain extent.

We are telling a number of municipalities—north, south, east or west; big, small or more isolated—to come up with different models within a certain framework or set of parameters. We will be saying the same thing to the next six to eight municipalities. At the end of the first two years, we will have 12 to 14 models we can look at to see which ones work best. When we spread them across the province, we will be able to tell the other municipalities which models were used and which were most effective, in our assessment.

Mr. Cousens: Will you be choosing them soon?

Hon. Mr. Sweeney: Yes, certainly within the next month or two.

Mr. Cousens: May I move to another section to ask some questions?

Mr. Barnes: Mr. Cousens, could I just put right one piece of information in your book? It relates to an earlier question you asked. If you turn to page 50 of the yellow book—

Mr. Cousens: There is an insert that was handed out to us.

Mr. Barnes: You have received the insert, then, which shows the Homes for the Aged and Rest Homes Act and the Charitable Institutions Act. The figures on it are different from those in the original.

Mr. Cousens: The problem with a sheet like this is that you can spend half an hour trying to figure out where the difference is.

Hon. Mr. Sweeney: It is the first figure on the left.

Mr. Cousens: You should have some indicator to show that a change was made.

Mr. Barnes: On page 50—

Mr. Cousens: I have two page 50s.

Mr. Barnes: All right, look at the Homes for the Aged and Rest Homes Act, the first line on page 50.

Mr. Cousens: Yes. It says \$22 million.

Mr. Barnes: That is the new figure, which is a change. The second line is also a new figure. The \$26 million should be \$6 million.

Mr. Cousens: Do they both add up to the same total?

Mr. Barnes: That is right. The interprovincial lottery funding you were referring to, against which there is a nought for 1986-87, has been included in those two figures for homes for the aged. I want to make the point that what appears as a nought under interprovincial lottery funding has actually been allocated to those two line areas. That was not made clear to you earlier.

5:10 p.m.

Mr. Cousens: I had trouble with that, but it added up.

I want to go to page 56, on the subject of residential counselling and supportive services. The bottom of page 56 indicates the number of family violence shelters. It shows 1985-86 and what is planned in 1986-87, and there is no increase in the number of family violence shelters. Is there any reason for that?

Mr. Barnes: Let me talk to that one initially. There may be an increase of a couple, but the basic issue around this one is that up to this time, the concentration in this area has been to provide crisis and emergency shelters for the battered wife and the children of the marriage. It is now becoming apparent that although we have not flooded the province, we have a good cross-section of these.

We need more in some places in terms of pure volume, but what is needed now is money to be spent on counselling, on support after the crisis and on day care for the children once they get in. We have a large number of crisis beds, which is great for 10 or 21 days, but what happens to the mother and child after 21 days? How does the mother look for work if she has no money to pay for day care for the child? How do we counsel the mother to adapt to a totally new economic and social situation?

Our priorities are looking to that area in terms of the whole issue of family violence. That explains why we are concentrating less on the number and more on the services we can build now around the crisis institution.

Mr. Cousens: Does this have to do with your section on community and neighbourhood support services? Is that part of what you are trying to do?

Mr. Barnes: Yes.

Mr. Cousens: Is it to be negotiated?

Mr. Barnes: No, that is something quite different. That is just a cost-sharing description.

Mr. Cousens: Do you have a program now? The definition of the problem is something we all know. You have just described it well and clearly; someone has been abused, she is in the shelter, and what do you do with her in the next stage? I do not think we are seeing a reduction in the amount of family violence, yet the number of units remains the same. /

Mr. Barnes: The government is currently reviewing a complete policy and funding approach to the whole situation related to family violence. This is a holistic approach that deals with the whole issue from criminality to counselling for the batterers as well as the battered and to assistance in resettling the battered woman.

As I said, the shelters themselves are very limited in what they can do over a short time. Unfortunately, there is a belief in a very significant segment of society that if you hit your neighbour, that is assault, but if you hit your partner, that is not. There is a real need to make people aware that is as much an assault as anything else.

If we can bring in the concept of criminalization and get people to accept that wife beating is a criminal act, if we can provide the right levels of counselling and indicate to the persons being battered that, rather than waiting until they have been beaten up 37 times on average, they can get out of the home quicker because the supports are there, we might reduce the incidence.

There are some projections that suggest if we make the right level of investment in support, counselling and indication of the extent of the criminalization, we may see beneficial results down the road.

Mr. Cousens: What are you doing specifically right now? I appreciate the need for a holistic review and understanding of the needs, but in the meantime the problem is not going away, and there are undoubtedly people who are falling through the cracks. Is there any emergency fund you are working from or an emergency program to help these people? Do you have any special guidelines you have given to the people in the field so they can react more adequately to meet those needs?

Mr. Barnes: In terms of the houses themselves, a lot of work has been done in the past three years. In terms of the new approach, we are looking for approval.

Hon. Mr. Sweeney: I want to add one point to the deputy's statement. One of our own officials, Brian Low, has just completed a circuit of all the transition houses in the province, sitting down with the directors and asking them what is working well and what is not and what their needs are. He has just submitted that report to the deputy and myself and it will be made public very shortly.

Mr. Barnes: It has been made public.

Mr. Cousens: It has? I have not seen it.

Hon. Mr. Sweeney: It has already been?

Mr. Barnes: It has already been circulated. I can let you have a copy of it.

Hon. Mr. Sweeney: Let me add one point and then Mrs. Noble can speak to it. One of the high priorities brought to our attention was the lack of services for the children accompanying their mothers. Nine out of 10 women who come to a shelter bring children with them.

Mr. Cousens: Sure they do.

Hon. Mr. Sweeney: The shelter directors tell us they can provide immediate attention to the battered mother, but do not have any resources to deal with the children's immediate needs. During the following couple of days and weeks they can apply to the local children's mental health centre and the local children's aid society for help, but what do we do that night? What do we do the next day to help these kids understand what they are going through? It has been brought to our attention that we should be giving additional resources to the shelters to provide children's services. We are accepting that as a high priority. It is one example of the kind of needs in the shelters we already have which are not being met.

Mr. Cousens: Yet in your family crisis intervention section, on page 57, no dollars are being spent there, either this year or last. What money are you talking about that is available for this kind of need? It is an identifiable and budgeted type of need. It is an emergency situation and has to be right across the province in different regions. How much money is being put up?

Mr. Barnes: We provide about \$14 million. We are looking for a significant increase in that expenditure. It is a multiministry effort involving the ministries of Housing, Justice, Health and

Education, the Ontario women's directorate and ourselves to bring together a total approach towards the problem. It is being considered now and we hope it will lead to further funding. I am trying to remember whether any funding was announced in the budget for family violence. I do not think there was.

Mr. Cousens: I do not think there was.

Mrs. Noble: To answer your question with respect to family crisis intervention, as you will note from the amount that was last available in 1983-84, this was a small crisis intervention fund used by area offices. That is not the source of the funding for the family violence programs. Family violence programs, with respect to the hostel per diems, go through the General Welfare Assistance Act. The additional top-up funding goes through the ministry act, payment of counselling and supportive services, so we are funding the family violence program through the counselling programs.

Mr. Cousens: The \$14 million the deputy just described is the amount of money coming through those programs now that is going into the relief—

Mrs. Noble: It is going into family violence, right.

Mr. Cousens: Into the family violence.

Mrs. Noble: It is being funded through a variety of lines within the estimates.

Mr. Cousens: I am most interested in seeing a copy of this report. How long has it been made public?

Mrs. Noble: During the last couple of weeks. It has been prepared and we have sent it out for consultation to the transition houses and homes. We have also sent it to the municipalities. We are looking for feedback from them. We will be happy to get you a copy.

Mr. Cousens: I want to go on record, Minister and deputy, for the whole world to know that something is happening regularly and that this critic is not receiving things being made public.

Mrs. Noble: Okay.

Mr. Cousens: I wish there was consistency so that I do not have to sit looking over my shoulder, suddenly learning a document has been made public that I do not have.

Mrs. Noble: I apologize. I suspect the reason this was not picked up in the normal process was that it was sent out as a staff document to those people involved in the original study.

5:20 p.m.

Mr. Cousens: I do not fault you but you have to realize that although it is a huge ministry, there should be a review from within to make sure the information that is coming out can be flowed to the critics so we are not in a position of guessing on things. Part of the information I am asking for now is public. It might have sharpened my questions and my insight and the third party might have been helped by it. There should be a review from within the ministry to make sure that which is public is made public to the critics, so we do not have to start research projects outside the place or go to the library, as I sometimes do now. It is a duplication of effort.

Mr. Lupusella: May I ask a question on this program?

Mr. Cousens: I have a few more on it, but go ahead and ask it. I would like to get a reaction from the minister on this one, because I think—

Hon. Mr. Sweeney: Once any document becomes public, there is no reason at all that the critic should not be the very next one to receive it. As Mrs. Noble pointed out, we did indicate to the shelter operators that since they had contributed to and supported the findings, they would be the first ones to receive it. It was simply a matter of courtesy. Within a couple of days after that is done, there is no reason you and the other critics should not receive it. I will go back and discuss with my staff some way by which we can see that this happens automatically. It is not in place right now, but we will take a look at that. There is no reason at all.

Mr. Cousens: Fine, thank you.

Mr. Lupusella: I had an opportunity in the past to speak to battered wives and husbands and the process both of them went through. I agree with the ministry staff that counselling is really the main issue and it has been carried out very well. I was able to find a loophole. I am not attacking the system and the structure per se, but the minister should take into consideration the issue of battered wives with husbands who have an alcohol problem. In Metropolitan Toronto, the social worker is counselling the battered wife and talking about divorce, but for some communities in Toronto divorce is the last resort.

I was able to find out that both husband and wife eventually went through the court system and no one from your ministry was able to go back to the husband and say, "The violence has been determined to be caused by a problem which you have and here are some programs from which you can benefit." The whole

emphasis has been on a wife leaving the husband by himself and facing court charges.

Again, I do not have anything to complain about in the system, but the wife is receiving all the counselling possible, with the emphasis on divorce, and there is no prevention for the husband telling him not to get drunk and showing him there are some facilities from which he can benefit, either through the hospital or through community programs. This is something which is deficient in the system. I hope you will do that in the future.

Hon. Mr. Sweeney: You make two points. First, there is no doubt that far and away the bulk of the resources we have are applied to meeting the immediate needs of the battered women and the needs of their children. However, a number of communities have also set up counselling programs for the husbands who are doing the battering. That is not universal across the province. You are quite correct about that.

Second, some communities in Toronto, notably the Italian community, have come to us—these were a group of people who had worked through COSTI—indicating the members of their community are somewhat reluctant to use more general agencies. They asked for our support to provide an initial counselling and advocacy role to that community, explaining to both the wives and the husbands that this sort of practice is not acceptable anywhere. When it does happen, we are ready to counsel them to begin with, and to show them what resources are available.

As a matter of fact, we have had four different ethnic community leaders come to us and make that same point. I have already mentioned the Italian community; leaders from the Greek, German and Portuguese communities have also come to us. They have said the members of their communities are not taking sufficient advantage of the available services. First, they do not know that these are available; second, there is a community culture which says you do not wash your dirty linen in public. Yet these leaders are saying they still have to help their people.

We are working with those individual communities, first, to assist them to assist their own members, and then to help them use the services available.

Mr. Lupusella: Sometimes the service is a little late from the time the incident takes place. The husband eventually has to go to a lawyer because a criminal charge has been laid against him.

Mr. Cousens: That serves him right, though.

Mr. Lupusella: Then there is money he has to pay. Maybe, one evening, he has more wine than usual and violence explodes. I do not justify this type of violence, but he should receive the same type of counselling and help. I am not saying that charges should be dropped, but if he has an alcohol problem, there should be places where he can get help.

Hon. Mr. Sweeney: One of the goals of our ministry is to attempt to restore that family unit where possible. It is not our goal to split the family up.

When the assaulted wife comes to one of our transition houses, an attempt is made to reconcile the family. We do not encourage the wife to return to a situation where she is likely to be assaulted again. Our goal of trying to restore the family unit requires that some counselling be given to the husband who is doing the assaulting; there is no question about that.

Let me repeat what I said before. With the resources we now have, our first action is to apply them to the assaulted woman and her children—who have witnessed this and, in some cases, have been assaulted themselves. That is where the bulk of our resources is going. What you are also describing is desirable and is under way in some communities, but not all.

Mr. Lupusella: I hope you will do that. Husbands have come crying to my office in the morning, regretting acts that were done the day before. They should get some sort of counselling as well.

Mr. Cousens: Can I follow through? The deputy indicates that \$12 million is being spent, yet, some time ago, Mr. Baetz mentioned New Directions in Ottawa, which is now surviving on United Way funding.

There has been both a lateness in funding by, and a lack of continuing funding from, this ministry. No clear statement has been made on where it is going in support of New Directions. Could you comment on all the good things you are doing, in the face of the reality and evidence that it is not happening?

Hon. Mr. Sweeney: Let me give you a little bit of the background.

New Directions was started, as a totally independent program with no resources from this ministry at all, by two university grads with no experience at all in this field. We had nothing to do with it. Two university grads decided, on their own, that they were going to supply this service, and got money from various sources.

About a year ago, it came to our attention that they had run out of money. They came to our

local office in Ottawa and asked for our help. We gave them what was clearly defined as a one-time, \$15,000 grant. That money happened to be what was left in an Ottawa area account to provide for the range of family-violence initiatives there. In total, there had been almost \$1 million. We made it very clear that we were not funding them on an ongoing basis.

5:30 p.m.

As an aside, let me say that New Directions continually says it is the only program providing services to the batterers, the men who commit the assault. That is not true. There is another service in the Ottawa area which deals with that group.

The next thing it did was to apply through our regular funding program. We have an advisory committee—and let me emphasize the word “advisory,” because when I first responded to Mr. Baetz I did not use the correct words. I suggested that this committee actually made the decisions; it does not. It is an advisory committee made up of many people, including some city councillors and people who work in the area. It suggests to our area office, which has this pool of money, where it thinks the money should go. Our office, not the committee, makes the final decision.

With the first request, it clearly indicated that New Directions should not be funded. It said this whole other range of services should be funded first and there will not be enough money to fund it. That was the first so-called rejection to an organization which we had never funded except for that one-time grant.

The next thing that happened was we indicated to New Directions that the likelihood of it being funded independently was not too great because it does not have many resources, it includes only two people, it does not have much experience, it does not have any particular skills, and we are not sure whether the service it is offering is really the best that could be. We said that if it wanted to identify itself with some other ongoing agency already in existence and it was prepared to take it on, then we would take a look at it.

There are now two agencies in the Ottawa area which have agreed to do that. The Family Service agency and the Catholic Family Service of Ottawa have both indicated they would be prepared to take that task under their wing. That means the service could be ongoing. It does not necessarily mean—I have to underline this; I do not even know whether the final decision has been made yet—that those two people will continue to provide it. We are saying we are prepared to entertain an application from an

existing agency, which may or may not use those two people, to provide that service. My last understanding is that a request has been made from one or both of those agencies for \$40,000 to continue that program. I am sorry, I do not know whether a decision has been made yet with respect to it. Does anybody know? We will try to find out.

Mr. Barnes: Discussions are currently taking place, but I do not think any decision has taken place yet on what arrangement might be made. In fact, I am absolutely certain it has not been decided at this stage.

Hon. Mr. Sweeney: What you have to realize, and what took us a little time to realize, is that there was a strong lobbying, advocacy action by the people running that program. I should add, as an aside—and that is all it is—that the two people who are running the program were part of the advisory group and they were not even able to convince their own fellow members on that advisory group that the recommendation should be made to fund them. That says whatever you want it to say.

Mr. Barnes: We are not for a minute saying that we think we have enough money to deal with this issue. We want more money and we are asking for more money. We are, jointly with other ministries, asking for more money to cover it on a total approach to this problem that includes counselling for the wives, the day care, the counselling for the husbands and all the other subjects that have been discussed. There has been a serious effort by a number of ministries to work together to get a total approach mapped out. We think we have a pretty good approach mapped out. The question now is the amount of money that can be made available immediately and over the ensuing three to four years to support that approach.

Mr. Cousens: Where is it mapped out?

Mr. Barnes: In an internal report that is being prepared and that is currently going through the process for approval and review.

Mr. Cousens: When will that be made public and circulated?

Mr. Barnes: You will get a copy the minute it is.

Hon. Mr. Sweeney: Right now, a cabinet submission has been made jointly by a number of ministers indicating the role that various ministries should play. For example, coming back to the question of the batterers, the Ministry of Correctional Services has indicated it would like to provide a program within its facilities for those

men who have been sentenced there by the courts for that reason. The Ministry of Health has its applications. The Attorney General's and the Solicitor General's offices and our ministry have made a joint application package to cabinet with a price figure attached. When it is approved it will become a public document, but it has not been approved yet.

Mr. Barnes: One piece of news, Mr. Cousens, is that the \$14 million I said has been spent has gone up to \$15.9 million while we have been talking. I was \$2 million light.

Mr. Cousens: I will be most interested if I get a copy of it.

Hon. Mr. Sweeney: If it is successful you will get a copy.

Mr. Cousens: I realize you have had your battles and you win a few and lose a few. Regarding another aspect of the process you are involved with, do you have any idea of the anguish you cause the people who run the programs, who do not know when they will get approval from your ministry for their money for the next fiscal year?

Mr. Barnes: Yes, we do, of course. We are part of the government process that, within the Financial Administration Act, reviews estimates and pronounces on the amount of money we can have at any time. That has been a bane of working in government as long as I have worked in government. In the context of the Financial Administration Act, the ability to commit two years down the road is not easily projected.

Mr. Cousens: I am not asking for that. You have to realize that those at the grassroots level who are doing a valiant job serving people, are putting their hearts, their livelihood and their futures into it without any sense of knowing what direction the government will take. They hear words, but when the time comes for the approval and payment of the cheques, and approval of their programs which sometimes drags on for as much as a year behind—

Mr. Barnes: This does not answer the specific you refer to but, in fairness, for the first time we have managed to announce the inflationary increase a year in advance, so everybody knows they will get four per cent in the next financial year as well as this financial year.

With regard to the detailed negotiation of budgets, this is difficult. We could just say to everybody, "There is your money, that is it." We try to negotiate service plans with individual agencies, to work with agencies within the context of the available money to meet needs.

However much we put in, the needs are always greater than the money available. There is no doubt that quite often we take longer to approve those budgets than we should. It is not always the staff's fault, I can assure you. It is a process of negotiation, of when salary and wage settlements are made. It is a process of when one can actually get some planning done, particularly with the smaller agencies that are not keen to plan.

In certain areas, for example, children's aid societies, we have a supplementary budgeting system for mandated care, such as children in care. That is also an embarrassment because at the end of the year we have to go back to municipalities and say, "Here is some more money you did not budget for." It is a problem. I do not dispute that and every year we try and do better.

Mr. Cousens: It would be a real tribute to the ministry if this could become one of the priorities.

Mr. Barnes: You have been hinting at the sorts of measurements I have of management ability, progress and results. This is one area where we do measure and I require regular reports on how many budgets are being signed, where they are at, how many are still outstanding and who is waiting. I agree with you that this is an area of anguish.

Hon. Mr. Sweeney: Let me add another dimension. As a former member of the executive council you will be aware that there are a number of programs offered by this ministry or financially supported by this ministry, that one cannot possibly know in advance what the financial requirements will be. This is one of them. In other words, neither we nor the transition houses can know from day to day, let alone from year to year, how many of their beds will be occupied and therefore what their financial requirements will be.

5:40 p.m.

The same thing is true of children's aid societies. No children's aid society can say with any certainty in advance how many children it will have to take into care. The same thing is true with the municipality and its general welfare budget.

The very nature of the service we provide is such that one cannot, with any degree of precision or accuracy, know in advance what the requirement is going to be. Therefore, there are some decisions one cannot make until after something has happened.

That is one of the reasons, for example, transition houses will say to us: "We have 12 beds in this house. Provided all 12 beds are occupied all the time, we can meet all our costs." Yet, the funding mechanism we have with them is a per diem occupancy. Despite the fact that some say they are always occupied, that is not true. Any one of these houses can have three or four beds empty one or two nights a week.

That is part of the funding problem as well. It does not directly respond to what the member is saying, but I am trying to say that there is a certain precision that he may be looking for, that the agencies themselves are looking for, that quite frankly we cannot give them.

Mr. Cousens: Without being too insulting to the minister, I would ask him not to give me that ministerial or bureaucratic cop-out for not following through on the real problems that exist within the field.

It is not just this area; there are others. It becomes very real to them. People in high offices sometimes lose the sense of urgency that is part of the deliverers of the services, and their anguish—as the deputy calls it—at not being able to fulfil their jobs.

Mr. Barnes: Yes, but—

Mr. Cousens: To me, it has been discussed. I do not want to hear any more.

Mr. Barnes: Let me say one thing. I have to. Of all the ministries in this government, I believe we do recognize that need and that sensitivity. We have 168 local program supervisors whose job it is to negotiate budgets and be sensitive to them, and who get just as anguished as the people they are dealing with.

Mr. Cousens: If we want to keep the thing going for a while, I want to say that I have respected the people who have told me their problems. I am not mentioning their names, as others might do in this forum, because I do not want to slow down the process.

There is a high sensitivity and a real sense of worry about it. I am satisfied with the minister's answer on New Directions. It looks as if that will be solved. It led to a number of other problems that people had with the lack of funding. I know the member for Dovercourt (Mr. Lupusella) wanted to say something.

Mr. Lupusella: Not on the same topic, but on the point I raised previously about the eight per cent subsidy given to the municipality for each welfare recipient. How is this money transferred to the municipality? Is it based on the municipality's request that in any particular year it might

have a certain number of welfare recipients, or is that amount included in the transfer payments given to the municipality by the province?

Hon. Mr. Sweeney: It is based upon the actual number of cases it deals with. We do not know in advance. We transfer a certain sum of money to it on an ongoing, periodic basis, but at the end of the year there has to be a tallying up, if you will.

If the best estimate of the ministry and the municipality, based upon a number of years' experience, is that there will be 650 cases requiring general welfare assistance, we base a budget on that. If, by the end of the year, there have been 750 cases, we have to pay for the additional 100.

It is done on a per case basis, but it is one of those things where we can never know for sure in advance what the cost is going to be.

Mr. Lupusella: The municipality, then, gives you an estimate for the particular fiscal year, and the ministry has an opportunity to review or revise its numbers.

Hon. Mr. Sweeney: It has to keep its own records, which it submits to us.

Mr. Barnes: Regarding general welfare assistance, we reimburse the municipalities monthly on the basis of the number of recipients. It is an open-ended program. The money goes up and down according to the number of clients. The municipalities are reimbursed on a monthly basis, so by the end of the year they have been paid what they have spent. They are not waiting for it for a year.

Mr. Lupusella: In other words, as I understand it, it is a completely separate program from the total budget of the transfer of payments given by the province to the municipality.

Hon. Mr. Sweeney: There are a number of programs where the province transfers money. The Minister of Revenue (Mr. Nixon) transfers money for taxation purposes, the Ministry of the Environment taxes it for water and sewage purposes—all the way through a number of ministries. Our ministry transfers money—

Mr. Lupusella: Is it just for welfare?

Hon. Mr. Sweeney: No. Money is transferred for children's aid societies, homes for the aged, hostels, transition houses. We have a number of transfer payments to municipalities where we have this 80-20 cost-sharing program. In each case it is on the basis of actual cases covered.

Mr. Lupusella: If faced with a surplus in a particular fiscal year, or if there was a—

Hon. Mr. Sweeney: We have to guess in advance what the need will be. Our financial people have become pretty skilled at it but there could be a surplus one year and a deficit another year. Over several programs, I suspect it probably works out. Mrs. Noble, you have done this before. Do you want to explain it?

Mrs. Noble: What we are using for the purposes of our estimates is based on our experience in forecasting and in projecting. We estimate the amounts required in our ministry estimates.

Over the past several years in the Ministry of Community and Social Services there have been supplementary estimates. I guess this speaks to the economic situation. The supplementary estimates have been in the area of income maintenance, where, because of the actual case load we have experienced on both the general welfare and the family benefits, there has been a need to go back and have supplementary funding to cover costs because it is a statutory program.

Mr. Lupusella: Thank you. The other question is in relation to the mentally retarded children living with their own families. I think this program was introduced by the former administration. As I recall, there was a fixed amount of money, which at the time was in the range of \$200.

Hon. Mr. Sweeney: For developmentally handicapped children living at home, we have the special services at home program. The maximum figure is \$10,000, but it is based upon—

Mr. Barnes: The member is referring to the handicapped children's benefits program, which is a different one.

Mr. Lupusella: How much do they receive now? Did they get any increase when the increases were announced by this ministry before Christmas, or are they still faced with the same amount of money, which was \$200 per month, as I recall?

Mr. Cooke: Yes, it was raised on January 1. It went up by 10 per cent from \$250 to \$275 per month.

Mr. Lupusella: Are you keeping an eye out so that when there is an increase for family benefits recipients, the same increase eventually will fall to these children as well?

Mr. Barnes: Yes.

Hon. Mr. Sweeney: In that last rate increase, Mr. Lupusella, a number of amounts were directed specifically at children. You remember that clothing was one. The children of either

general welfare assistance or family benefits assistance recipients got an extra four per cent on top of everything else, and the handicapped children at home program went up by \$25 a month, as has already been described to you. That was part of the total package.

Mr. Lupusella: One other issue, if I may—and I am sorry that I am jumping from one vote to the other, but I am not the critic for this ministry.

Hon. Mr. Sweeney: We have agreed to do that.

Mr. Lupusella: The point I would like to raise is in relation to family benefits recipients who are supposed to make repairs in their home, and eventually the ministry gets involved to accept or deny the cost of repairs. Is anyone an expert on this field?

Mr. Barnes: Mr. Cooke is more expert than the rest of us, let us put it that way.

5:50 p.m.

Mr. Lupusella: The minister will recall that before Christmas I brought to his attention a pathetic case of a constituent of mine who was faced with a severe stroke. He has been in a wheelchair since then. The reason I brought this case to the minister's attention was that the man was living in a three-storey house and could not use the bathroom on the second floor. I came to see the minister to expedite this very special matter.

I believe the Ministry of Community and Social Services has regulations, or a policy, that an individual has to find two independent contractors and forward copies of their estimates to the ministry for approval. The wife of this gentleman was also suffering from a physical disease. I thought the officials of your ministry would get involved in locating at least two contractors to expedite the work.

I would like to bring to the minister's attention that this man was forced to sell his house and buy a bungalow to get the facility he was asking for. I am sure that, if there had been more time, the ministry would have done the job, approved the work, and so on.

I am a little critical as to why the ministry does not have, for example, a list of contractors to whom these cases requiring immediate attention can be channelled. Besides his physical condition, the man was forced to sell his house to find a bungalow where he could use his wheelchair. I am very sorry about this case.

Hon. Mr. Sweeney: Part of the difficulty here is that any ministry of government has to be very wary and concerned about appearing to be

unduly a part of the process. Let me give you a possible scenario.

A government staff member could very well have a friend or acquaintance in the contracting business. Every time such a situation came up, he could call up Mr. Smith or Mr. Brown and say, "Look, go over there and get that contract." We have to be very careful about appearing to be too personally involved.

The other thing we have to take a look at—and I remember the member speaking to me about this situation and asking why more than one figure was needed.

Mr. Lupusella: Yes.

Hon. Mr. Sweeney: Once again, we need a countercheck. We do not want to go in and do the work ourselves. We do not want to send our people in. We are telling people to bring in two independent estimates. If one figure is pretty close, we will get the work done—usually by the one who does it for the lower price, provided it is an adequate job.

If we were going to simply accept one figure, it could be anything. I remember one that came across my desk. They wanted to make some changes, and wanted \$55,000 to do it. I did not approve it. I said, "No way." It had to go back to be reviewed. I think we finally settled on something like \$30,000 for such a project.

A lot had to be done—something such as the member described. However, first, we have to have more than one quote, simply to protect overall the taxpayers' dollars. Second, our ministry officials cannot become personally involved; otherwise, they would be open to conflict-of-interest charges. I do not want to put them in that position.

Mr. Lupusella: No, I understand.

Hon. Mr. Sweeney: They are, however, prepared to sit down with any client who requests it, and tell him how to go about doing it: where to find contractors, which sources to go to, and what kinds of things we will accept. Now, I cannot put myself in the place of your individual constituents.

Mr. Lupusella: No, I understand the policy.

Hon. Mr. Sweeney: This is an ongoing process, and it works fairly well. Is there something I have missed, Bob?

Mr. Cooke: No, that is basically it. In private industry, the rule of thumb is often three quotes for jobs of this nature. In a sense, by only going to two, we are recognizing the difficulty some clients may have in shopping around extensively. We have kept it to only two bids.

Mr. Lupusella: I appreciate the minister's position. I do not want him or his staff to be accused of conflict of interest. However, I was thinking of how the system could be improved.

For example, people working for the Ministry of Housing, for the Ontario Housing Corp., could perhaps do the work for these people rather than independent contractors. They are paid by the provincial government anyway. They could do the work easily and if there is an emergency, this ministry could at least rely on their expertise to do the work. Instead of working for the Ontario Housing Corp., a team of workers could be relied upon by this ministry for emergencies and it would be paid by the province anyway. Why not do that?

Hon. Mr. Sweeney: To the best of my knowledge, I do not know that the Ministry of Housing has a contracting arm. It may or it may not; I do not know that.

Mr. Lupusella: Yes. There are permanent staff working for the Ontario Housing Corp., which is a branch of the Ministry of Housing.

Hon. Mr. Sweeney: That is on a repair or renovation basis. It does not do contracting to the best of my knowledge.

Mr. Lupusella: The workers are paid by the Ontario Housing Corp. to work on complexes which fall under the jurisdiction of the Ontario Housing Corp. If there were some sort of communication between the two departments, these people could do the work in emergencies, such as for the constituent of mine who was forced to sell his house and to buy a bungalow.

Hon. Mr. Sweeney: Mr. Lupusella, to the best of my knowledge, they do not have that type of qualified staff. However, I am quite prepared to talk to the Minister of Housing (Mr. Curling) to see what they do have. The difficulty I have is that these types of needs can spring up anywhere from Thunder Bay to Ottawa and from Moosonee down to Niagara Falls. It could be anywhere in the province. Using a local contractor, in most cases, probably makes more sense than trying to use Ministry of Housing people.

I will check into it. I am not aware that it has that type of staff. Let me ask to see—

Mr. Lupusella: I am trying to improve the system while at the same time trying to help these people, such as that constituent of mine. He cried because he had to sell his house.

Hon. Mr. Sweeney: With a little bit of time, I suspect we probably could have helped.

Mr. Lupusella: Yes. I agree with you. There was no refusal from the ministry to help this man.

The branch of the ministry looked for the two independent contractors. It was an unfortunate case of this man who was confined to a wheelchair and his wife had physical disorders. She could not get in touch with contractors; in addition, she did not speak English.

Mr. Cousens: May I ask a question on the lack of housing for the disabled? Are there any new initiatives for resource centres for the handicapped?

Hon. Mr. Sweeney: What do you mean by resource centres?

Mr. Cousens: Such as the participation resource centre in Sudbury.

Hon. Mr. Sweeney: We have specialized housing for the physically disabled and we also have attendant care associated with that. Beyond that, I am not sure what you are referring to.

Mr. Cousens: Other than apartments or special units, is there anything you are doing that could be identified—

Mr. Barnes: Or attendant care.

Hon. Mr. Sweeney: As I say, we provide both residential space and attendant care now. That is a continually growing program.

Mr. Cousens: How many new parts to the program are being added this year?

Mr. Barnes: Do you know that figure, Mr. Duda?

Mr. Duda: I do not have the figure with me but I can get it. The budget of the Treasurer (Mr. Nixon) allocated additional moneys for the handicapped population. Right now, we are determining what our priorities should be. In a general fashion, we determine that there are a number of things we should be doing.

The first thing is expanding, in particular, the outreach program. The second is developing more specialized approaches to deal with brain-injured adults. The third is looking at possibilities of providing relief programs to parents caring for adult and physically handicapped children.

Mr. Cousens: Where is that reflected in this vote of the parent relief programs?

Mr. Barnes: It is vote 2902, item 5, on page 57. Are you talking about the handicapped relief program?

Mr. Cousens: Yes.

Mr. Barnes: I believe that is it.

Hon. Mr. Sweeney: Support services for the physically handicapped.

Mr. Barnes: Yes, full services for the physically handicapped.

Mr. Cousens: What line?

Hon. Mr. Sweeney: It is the fourth item down; support services for the physically handicapped, \$10 million to \$12 million.

6 p.m.

Mr. Duda: I have one further word. Beyond the budget initiatives we have a commitment to expand. I believe it is reflected in the planned expansion at the bottom of page 56. There are 78 additional attendant care spaces and 60 spaces in the outreach program between 1985-86 and 1986-87.

Mr. Barnes: I believe we are looking at approximately another 77 additional living units in this financial year.

Mr. Duda: That is 78.

Mr. Cousens: Does that solve the problem?

Mr. Barnes: Oh, no.

Mr. Duda: No.

Mr. Cousens: To what extent do you think it goes towards solving the problem?

Mr. Duda: First, there was a commitment a few years ago to have an incremental increase each year of approximately 78 attendant care spaces and 60 outreach. As you may know, the outreach program is relatively new. We introduced it last year and we are in the middle of evaluating it. The preliminary result is that, while it had a slow beginning because it was a new concept—

Mr. Cousens: No. I know what you mean.

Mr. Duda: —it is very popular now. Based on that evaluation, its popularity and its utilization, we want to determine what future spaces should be added beyond the 78 spaces. I believe 78 probably responds to the more outstanding requests for service.

Mr. Cousens: I appreciate your help. Page 59 shows workshops and training for the disabled. I want to start with a question that does not come out of the data I have. I have sent some letters to the minister.

Hon. Mr. Sweeney: Sorry, I did not hear.

Mr. Cousens: I am talking about pages 58 and 59, sheltered employment and the whole business of workshops. I have had copies of correspondence that has been sent to the ministry by business people who feel and know that there is unfair competition between them and their businesses, and what comes from the workshops.

Hon. Mr. Sweeney: I spoke at an annual meeting of the workshop operators in Ottawa this past week. One of the points I made was that, in

addition to the contemplated changes we previously discussed about wages and different structures in the workshops, the kinds of funds we make available to them have to be used—how can I put this?—to recognize the disability and the handicaps they have to deal with. They should not be used in any way to compete directly with private business, to make themselves uncompetitive as far as private business is concerned and usually on the positive side rather than the negative side.

Mr. Cousens: You open up a problem, though, in that very enterprising—for lack of a better term—operators, who have the equipment and the facilities, might even start to have people working overtime at night to produce wood pallets, for instance, and then end up being able to sell them at a far greater advantage over the free-enterprise person who has to pay higher salaries even with the overtime and overhead.

Hon. Mr. Sweeney: That is certainly not the intent. Some of the programs are now operating without any subsidy at all. They are totally a business and get no money from us. I can mention a toy manufacturer in Oshawa, for example. They do not get anything from us for that operation. Where a subsidy is put in, it is intended to make up the difference between the 100 per cent productivity you would get in the open market and whatever degree of productivity they are able to get from their workers. If the average is, let us say, 50 per cent in an eight-hour day, our subsidy is designed to make up that difference. It is not designed to give them an undue or an unfair advantage.

Mr. Cousens: When people with this type of complaint have tried to get to the minister's office, they were unable to get an appointment.

Hon. Mr. Sweeney: With me personally, or with anybody on my staff?

Mr. Cousens: At the senior level. I think they tried to get to the minister, but could not. Is there a reluctance on his part to look at it?

Hon. Mr. Sweeney: Not at all. As a matter of fact, I am personally not conscious of any such refusal.

Jon Kelly is familiar with this. Do you want to speak to it?

Dr. Kelly: This specific pallet manufacturer in Oshawa actually met with the assistant deputy minister of operations.

Mr. Cousens: I was not indicating who it was.

Dr. Kelly: The disagreement between the pallet operator—and, by and large, there is one pallet operator in the province. This person

actually met with our assistant deputy minister of operations about a year and a half ago. At that time, we thought the specific issue was resolved. It appears to have resurfaced, but the assistant deputy minister did try to intervene and help out both parties in this process.

Mr. Cousens: Are you continuing to monitor the particular centre in Oshawa?

Dr. Kelly: Yes. As the minister has pointed out, it has generated considerable revenue. The operating subsidy of that pallet manufacture has been phased out.

Mr. Cousens: There are good and bad sides to what we see is happening now. I am the first one to support things. The minister knows that when we opened the ARC Industries workshop in Richmond Hill, people were able to do things and felt they were again able to help themselves.

However, then another point is reached. There is a funny crossover point where suddenly one cuts into someone else's business activity. It is a concern to me that we maintain the balance between meeting the needs of workers this ministry is trying to serve and those of free enterprise, which feels threatened, is on some occasions now laying off workers and is not able to remain competitive in pricing.

Dr. Kelly: We have been trying to respond to the concerns of private industry. In a sense, we cannot say that we are going to make these places unproductive, yet we recognize that sheltered workshops have to play by the rules of the game. Wage policy is one aspect of that, as is occupational health and safety, which the Minister of Labour (Mr. Wrye) announced. In all cases now, we decrease subsidies as revenues go up, and we would continue to do that.

Another way we have tried to deal with it is to get business people involved in assisting sheltered workshops to pick up projects that come from import replacement. They have tried to pick up things that are made in the United States and other places, to make them in workshops where they are not picked up by other businesses in Ontario.

The last point is important, too. That is the costing approach, to be sure that when we sell the products of the sheltered workshops, we reflect the real costs rather than the subsidized costs. We have done a number of things, recognizing the legitimate concerns of business not to be unfairly undercut.

Mr. Cousens: There is another dimension to the problem as well. When a workshop becomes so successful that it no longer requires funding,

the ministry may well have to have a second look at it.

I am not trying to take away work from people. I am glad to see working, but there may well have to be some kind of penalty, believe it or not, that says: "You are going so far, and you have certain advantages because of the low salary and overhead. You are now successful to the point where we want you to be successful."

Is there a review of that kind of guideline and criterion in their functioning?

Dr. Kelly: The proposals on wages we are now developing would ensure, for example, that the more successful they get, the more they have to pay minimum wage. In other words, it is a kind of incremental thing. We are not speaking of reviewing it afterwards, but saying that the closer they get, the more they must play by the rules of the game. I think that is an important response to what business says.

6:10 p.m.

Hon. Mr. Sweeney: If I may make an observation here, the review Dr. Kelly talks about is intended to recognize that there are three very distinct functions of what are generally called workshops. One is the opportunity for some people who simply could never compete in the open market from the productivity point of view. Their productivity might be 10, 15 or 20 per cent.

Mr. Cousens: I understand that.

Hon. Mr. Sweeney: There is also the training component. Quite frankly, we are not sure whether our workshops should be doing that kind of training or whether it should be done in the private market area with some supports from us.

What should be left as a true workshop we would rather call something such as "alternative employment," and it will become literally a business on its own. We have a few of them around the province right now that have translated into totally independent, competitive businesses. What we have to watch for is what you have described, that we do not set them up in such a way that they become uncompetitive in the negative sense compared to private business. We offer very distinct services.

Mr. Cousens: With all due respect, one has to be exceedingly careful within a bureaucracy as large as this. There is a goal to see people produce, and yet one must keep that in balance with the other half of the system. I liked the minister's answer, but I think it has to be constantly watched. One could put on funny pressures and say, "Do more and more; get out of

it," yet at the same time as they are becoming successful, it is cutting into the success of the world I represent.

Dr. Kelly: We have been very much aware of the blurring of the margins in this process, and we have attempted to build in cushions to make sure we are not practising in an unfair market.

Mr. Cousens: Thank you very much.

I have a question regarding the decrease in funding for rehabilitation services from the actual in the 1985-86 funding.

Mr. Barnes: The decrease was the actual in the estimates of 1985-86. We are still looking at the previous year's estimates, which are \$31.23 million as distinct from the \$27 million, which was the actual. There are two reasons for the decline in expenses, one of which related to the learning disabled, who have now gone over to the Ministry of Education. They were previously funded out of this, and significant sums were spent on them. These have been transferred to the Ministry of Education under the special education bill. There has been an ongoing process of transfer in that area.

In some instances, the second area has been for training in particular, and here the decline has mainly occurred in the use of the Canada Employment and Immigration centres as these have become more able to provide services. It is not less service; it is making use of different services or they are being picked up in a different area.

Mr. Cousens: Are all the shared costs now under education as a result of Bill 82?

Mr. Barnes: There are still about 40 children receiving special assistance from our ministry where they were already committed to a particular type of course or situation or where the local education board could not meet those special needs. I expect that number to decline significantly in this financial year as they move out of those courses or as more sophisticated courses are developed in some of the education board areas.

Mr. Cousens: Were any of those courses outside of Ontario?

Mr. Barnes: Yes, some of them were.

Mr. Cousens: I did not get much satisfaction from the Minister of Education (Mr. Conway) for those applicants who wanted a continuation of services.

Mr. Barnes: We have a special committee reviewing each case where there is an appeal and the Ministry of Education feels it cannot deal with it. We have staff from both our ministry and

the Ministry of Education who look at each of these cases and attempt to ensure the right service is provided.

Mr. Cousens: I love the words, but I know what it means when one talks about the right service being provided, when one is the parent of a child who has had a certain comfort from the provision of that service elsewhere and then one is forced to move the child and the consequences that follow. However, that is now the Ministry of Education, and 40 young people—

Mr. Barnes: The figure I remember is 40. That number will reduce during the course of this year. I think it was 40 as of April.

Hon. Mr. Sweeney: Mr. Cousens, I think you can put the question in a slightly different context. As of September 1985, under the education legislation, the school boards in the province were required to accept all these children; there were to be no exceptions. Our ministry recognized, as you have described, that there were some children in some families for whom they simply could not provide a service. We said we would continue that service to them. Clearly, however, from a legislative point of view, it is not our jurisdiction.

Mr. Cousens: I realize that. I will just go on record as saying that, as a former school board chairman and as someone who is in many respects close to the educational system, I do not think the public is happy with the way Bill 82 has been implemented in the past year, in its final stage of transition. This is not the right forum for it, so I will go on, because my time is limited. I do not think there is anything you and I can do about it, in your portfolio and certainly in my responsibility. I would love to go after someone on it, but I do not have time.

Can I ask you about the vocational rehabilitation services offices? How many are there?

Mr. Barnes: The number of VRS officers? I should know, but I am afraid I do not.

Hon. Mr. Sweeney: I do not know either.

Mr. Cousens: If you wish, perhaps you can make note of my question and get back to me on it. I am interested in following through on it.

Mr. Barnes: I think I may have the number somewhere.

Mr. Cousens: I am interested in the counselling staff at each of them and what you would call case load—

Mr. Barnes: I do not know how many VRS officers we have.

Mr. Cousens: How many offices?

Mr. Barnes: Offices? Some are in our area offices, and some are in our district offices. It depends on numbers, locality, geography and so on.

Hon. Mr. Sweeney: We do not have specific VRS offices; they are part of our area office program.

Mr. Cousens: What case load would you expect each staff member to have?

Mr. Barnes: It is very difficult to answer that question because of the varying requirements. As we said some time ago, we are worried about the waiting lists that exist for the VRS officers.

Mr. Cousens: That was my next question.

Hon. Mr. Sweeney: It was not hard to anticipate.

Mr. Barnes: There has been a concern about waiting lists, which jiggle all over the place according to varying parts of the—

Mr. Cousens: What is your best and worst?

Mr. Barnes: Our best is three weeks.

Mr. Cousens: Three weeks? Is that good?

Mr. Barnes: Yes. I am not worrying about three weeks. Mind you, it is in the far north, and maybe we do not have too many clients up there; let us be fair. Typically, we are looking at about 11 to 19 or 20 weeks. We go up to 50, which is not good enough.

Mr. Cousens: What are you doing about it?

Mr. Barnes: What do you want me to say? I am reviewing—

Mr. Cousens: I would like the truth.

Mr. Barnes: First of all, I am asking for specific action on the 50-week one, because this is something I have personally taken an interest in just recently.

I am concerned about VRS, not just in terms of the waiting list but also in terms of the actual role it plays. Historically, VRS was where the ministry was many years ago; it was a sort of core. When I look around, many of the senior management people who have been in the ministry for a long time started in the VRS area; therefore, it has a history in the ministry.

For some years now, not enough attention has been paid to this area. What has been happening is that we have subcontracted services to family service agencies, municipalities and so on. That has been quite appropriate in the sense of the level of advice and consultation that was required.

What we have not done—I think we should be doing it, and I am asking that we look into it very carefully; it is one of the reasons for our applied program technology unit—is we have not looked into what we can do to ensure that our VRS counsellors effectively become reference or information points for the latest technology and opportunities: where to go, who is supplying what, where it can come from, what is available for the blind and so on.

Mr. Cousens: You discussed that one with me earlier, at a December meeting. Knowing your own background, I know the way in which you can apply that to this.

Mr. Barnes: What I want to apply that to is a review of all the waiting lists we have. We have done this before. We have moved extra staff in, the waiting lists go down and in a surprisingly short time they go back up again.

I think it makes a case load which we do not have enough of a handle on. There is a need for greater consistency in terms of what we subcontract out. There is a need to define very clearly a different role for our VRS counsellors.

I will tell you right now, I am not at all happy with where that program is at today. There is a lot of work to be done. We have it down as one of our major priorities. I cannot put it higher than that.

6:20 p.m.

Hon. Mr. Sweeney: Can I make an observation? First—I think I discussed this at the very beginning of the estimates in response to your opening statement—the people who initially apply to VRS get an assessment within three to four weeks. In other words, these long waiting lists are not for the so-called first meeting.

The second point to keep in mind is that once the decision has been made as to the kind of service the person should get, there is often a waiting list for that service provider. That person remains on our waiting list while he or she is waiting to get the service. We have done our initial assessment; there is nothing more our office can do. However, if there is a particular program that person should be going into—let us say, a community college program—he or she could stay on the waiting list for two or three months. That is part of the difficulty we are dealing with. The other part of it is as the deputy has described.

Those are two other components that have to be taken into consideration as well.

Mr. Cousens: What can I do to help you? I guess what we should do is spend question period

tomorrow going after the Treasurer. You are obviously making application for funding. There is no doubt that people are falling through the cracks right now. I know the sincerity with which you are talking, but the problem is not being solved with words.

Mr. Barnes: One of the issues in this area for me is that we have looked at waiting lists and very specific sets of issues and tried to deal with all of them on almost an ad hoc basis. I do not think we have reviewed the totality of how we can best link all this together. We can continue to ad hoc. I can probably put four staff into Mississauga to bring the waiting list down—and we may end up doing that, because we are analysing that waiting list right now—

Mr. Cousens: You probably should. You could have two programs.

Mr. Barnes: There are a number of reasons. The waiting list has sometimes built up because of doctors, getting responses and so on.

Mr. Cousens: The doctors are working now.

Mr. Barnes: That might be adding to it, but I honestly do not think that is the reason. It is the length of time certain parts of the process take. I am not trying to make an excuse; I am just trying to analyse what the waiting list is made up of in terms of our response time as distinct from waiting for this or that. It is also how long we keep the files open.

The issue for me, as I said earlier on, is much more the overall role of the whole VRS system and its approach. I do not think we are serving our clients well enough if we are not up to date on the technology. I do not think we are serving our clients well enough if we do not have information as to what is best for them, and we do not have that. I do not think we are serving our clients well enough unless we have more sophisticated training programs for the counsellors.

Mr. Cousens: I see three or four issues here. One is the backlog and the servicing of that backlog. Another set of answers is needed to the questions you just raised about the quality of the direction you are able to give them.

Your answer that it is unacceptable is true. However, you have to do more. You have to come out with a corrective action plan. When you develop such a plan, will you make it public or possibly circulate it to someone who might be able to read it?

Mr. Barnes: I will be delighted to share it with you and to discuss with you the potential use we can make of information and technology in this

whole area. I think there is a real opportunity here.

Mr. Cousens: I know there is. You have a huge task, and I will be most interested in being kept up to date on the progress you make.

Mr. Barnes: With pleasure.

Mr. Cousens: What provisions have been set up for the VRS post-secondary students with respect to their transfer to the Ontario student assistance program?

Hon. Mr. Sweeney: First of all, we notified people of this a year in advance, in June 1985. It does not take effect until September 1986; so there was a full year's advance notice.

Second, we met with the advocacy groups representing the disabled who would be affected by it. What we got from them was, first of all, their displeasure about us doing it at all and, second, an identification of the kinds of problems they anticipated. Our staff sat down with the OSAP staff and worked out most of the problems in terms of eligibility and their having to go to two places rather than one. We resolved all those issues. We went back to them again and identified the resolution of most of those issues.

The argument remained that a disabled person should be treated differently from a nondisabled person. Our response was yes, to the extent that such persons have needs because of their disabilities, they should continue to be supported and funded by VRS for all the requirements related to their disabilities. In terms of needs not directly related to their disabilities—in other words, tuition fees, books and other things that any university or college student would have—our observation was that they should apply for the same kinds of programs and supports that anybody else would.

We pointed out that over a period of time, the VRS program had sponsored a number of services that it phased itself out of as other government ministries provided them. For example, at one time a whole range of medical services was provided through VRS; they now are provided through the Ontario health insurance plan.

We simply said: "Where you have special needs, we will continue to meet them. If you have special needs in terms of clothing, counselling, transportation and housing, all of those will continue to be covered through VRS. But the basic needs of a university student will be covered through OSAP. You will apply to that program for support the same as anyone else would." It was a finely defined and finely focused application.

Mr. Cousens: Do you have a set of guidelines as to how that will be done?

Hon. Mr. Sweeney: We indicated to the advocacy groups we met with the areas in which we had reached agreement with OSAP. We also have an agreement that the application will be done in the VRS office rather than in the university office, so two applications do not have to be made.

We also indicated that, because of these kinds of waiting lists and since time is crucial, this type of service would be dealt with almost immediately. They would not be subject to the same waiting list because they had to apply at the university and, as you know, there are timetables for applications. So we dealt with that.

Also, OSAP has a requirement that every student must contribute a certain share of his or her summer earnings. Some of our disabled people are not able to get summer jobs; they are exempted from that.

To be considered totally independent and not subject to parental income as part of one's total resources, a nondisabled student must be out of high school for at least three years and have a 12-month period in the work force. Disabled students do not have to meet the 12-month requirement; they simply have to be out of high school for three years.

There were a number of things like that which we specifically negotiated with OSAP as not being properly applicable to disabled people. OSAP was quite helpful and said it would do all those things.

Mr. Cousens: Is that public information?

Hon. Mr. Sweeney: There is no reason it cannot be.

Mr. Cousens: Can I get a set of the guidelines that are being followed?

Hon. Mr. Sweeney: Yes.

Mr. Cousens: To finish that off, I asked about the number of VRS officers and their case loads. Will I be getting that information?

Mr. Barnes: Yes. We will let you have the number of VRS officers.

The Acting Chairman: Before we adjourn, there is a procedural matter that requires some attention. The clerk informs me we have an hour and 29 minutes remaining in the Ministry of Community and Social Services estimates. The next estimates the committee will move to are those of the Ministry of Colleges and Universities. We need to know whether we want to proceed to those estimates on Monday after we conclude the estimates of the Ministry of

Community and Social Services or whether we wish to defer them until Tuesday afternoon. We would have approximately one hour for the estimates of the Ministry of Colleges and Universities if we chose to begin them on Monday.

Mr. Cousens: I have no idea. I will be here on Monday for the estimates of the Ministry of Community and Social Services, but since I am not a regular member of the committee, can you wait until you discuss it with the House leaders?

The Acting Chairman: In all fairness, if we are to proceed with those on Monday, we should be advising the minister today or tomorrow. Because we would have only an hour, I wonder

whether it might not be more appropriate to delay that until Tuesday. If there is no objection, we will do that.

Mr. Cousens: We might extend the time for the estimates of the Ministry of Community and Social Services if the minister is amicable.

The Acting Chairman: If we can get unanimous consent, I am sure that would be possible.

Hon. Mr. Sweeney: So we will be back here after question period on Monday, and the Ministry of Colleges and Universities will start on Tuesday. Is that the decision?

The Acting Chairman: Yes.

The committee adjourned at 6:30 p.m.

CONTENTS

Thursday, July 3, 1986

Adjournment..... S-509

SPEAKERS IN THIS ISSUE

Cousens, W. D. (York Centre PC)

Lupusella, A. (Dovercourt NDP)

Offer, S. (Mississauga North L)

Reycraft, D. R. (Middlesex L)

Witnesses:

From the Ministry of Community and Social Services:

Sweeney, Hon. J., Minister of Community and Social Services (Kitchener-Wilmot L)

Barnes, P. H., Deputy Minister

Noble, M. M., Assistant Deputy Minister, Family Services and Income Maintenance Division

Jordan, M., Director, Financial Planning and Corporate Analysis

Cooke, R., Manager, Family Support and Income Maintenance Unit

Duda, G., Assistant Deputy Minister, Community Services Division

Kelly, Dr. J., Manager, Disabled Persons and Employment Services Unit





No. S-21

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Estimates, Ministry of Community and Social Services

Second Session, 33rd Parliament
Monday, July 7, 1986



Speaker: Honourable H. A. Edighoffer
Clerk of the House: R. G. Lewis, QC

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday, July 7, 1986

The committee met at 4:26 p.m. in room 230.

ESTIMATES, MINISTRY OF COMMUNITY AND SOCIAL SERVICES (continued)

On vote 2902, adults' and children's services program:

Mr. Cousens: We have a marvellous opportunity to see what is being done, and what could or should be done, by this very important ministry.

I would like to start with child abuse information under vote 2902, item 6, page 71.

A great deal of concern has developed around the issue of access to the Ontario child abuse register. The London Board of Education wants access to the Ontario government list of child abusers to ensure that people with a history of being sexually or physically abusive are not inadvertently hired.

This board has asked the minister to press for changes in legislation that now deny Ontario school boards access to this information. Specifically, it wants section 71 of the Child and Family Services Act, 1984—which allows only children's aid society officials access to the child abuse register—to be expanded and to include school boards.

What are the minister's views on this issue and how has he responded to this request?

Hon. Mr. Sweeney: The first reference to a child abuse register—as a matter of fact, the first reference to compulsory reporting of child abuse by professionals—appeared in the 1978 rewriting of the Child Welfare Act. It was re-enacted in the 1984 writing of the Child and Family Services Act.

I was a member of the all-party committee in both cases. I mention that only because there was a clear understanding by members of all three parties as to the nature of the child abuse register, who would be included in it and how, and who was to have access to it.

The design of the register was such that it was not foreseen that it would be used as a checking service, for school boards, children's aid societies or anyone else.

If it were the wish of the assembly that this kind of service be provided, it would be necessary to redraft the legislation so that people who appeared in the register would have their

names included in quite a different way than at present.

At present, a children's aid society can ask to have a name registered if it has a strong suspicion—and I want to underline that—that a person is an abuser. A person need not actually be charged with, and convicted of, abuse. In other words, there is no legal or judicial protection whatsoever for a person whose name appears in the register.

As a second point, there is no double confirmation of the identity of a person whose name appears in it; in other words, it is simply a name. We do not have such things as social insurance numbers, fingerprints or whatever else you think would be necessary to be sure that Mr. Joe Smith is the particular Joe Smith you are referring to, rather than one of 50 other Joe Smiths who happen to live in this province.

We are basically saying that the register was designed in a particular way for a particular purpose. Under that current design, we could not—in justice and in fairness, and quite frankly, I believe, under the charter—allow it to be used as a checking mechanism.

There is no reason the register could not be redesigned so that it could be used in that way. The number of people who appeared on it and the way in which they got on it would also have to change very significantly. It occurs to me that only those who were actually charged and convicted could be on that. That is not the case right now, and that would make a very different kind of register.

Let me make one other small observation. There is a tendency to think the register keeps track only of people who have actually done the abusing. We remind you it is also used to keep track of children who have been abused. Frankly, in my way of thinking, that is an even more important purpose of the register. It does serve a double purpose and it has a particular design. I am quite prepared to entertain recommendations for changing its design, but I would want my colleague to know that under its present format, in justice it could not be used in the way in which it has been suggested.

Mr. Cousens: Thank you. That ties into another area. I would like to know your position with regard to the sexual orientation clauses that

are coming under Bill 7, An Act to amend certain Ontario Statutes to conform to section 15 of the Canadian Charter of Rights and Freedoms. There is a section there that is quite controversial and will be considered shortly in the Legislature. What is the position of you and your ministry on the inclusion of sexual orientation?

Hon. Mr. Sweeney: Neither the ministry nor the minister has taken a position on this issue. If the legislation does pass in its current form, which I understand would make it illegal to discriminate on the basis of sexual orientation, then neither this ministry nor any other ministry of government would be able to deny its application. I suppose this would mean that people with different types of sexual orientation would be able to get access to the same type of service as anyone else through our ministry.

Mr. Cousens: Has your ministry done an analysis on the effects that this change in the act could have on the services provided by children's aid societies and the many services that are under this important ministry?

Hon. Mr. Sweeney: The children's aid societies, which are concerned about the application of this section for such things as adoption and potential foster parents, have clearly indicated—

Mr. Cousens: There are many ramifications to it.

Hon. Mr. Sweeney: I am giving those as examples.

Mr. Cousens: They cover the whole spectrum.

Hon. Mr. Sweeney: The only point I am making is that the views of those societies have been made known to the committee which debated the legislation, and to the Minister of Labour (Mr. Wrye), who I believe is responsible for the legislation.

I do not believe it would be proper for me as a minister to intervene that way. What comments I make around the cabinet table stay in that room, as I am sure a former member of the executive council would appreciate. I am not prepared to share those publicly at this point.

Mr. Cousens: I would like to know whether the ministry, based on the legislation now proposed by Bill 7 on sexual orientation, has prepared any type of situation analysis on what would happen if this were brought in and all the different effects it would have within the service area of community and social services.

Hon. Mr. Sweeney: The member would know that the function of the various cabinet

committees is to provide that very feedback from various ministries that would be affected by any potential legislation.

Mr. Cousens: Could this be made public?

Hon. Mr. Sweeney: No, not as far as I know. As near as I know, the documents of cabinet and its committees are not public documents.

Mr. Cousens: Could you tell us whether you support the inclusion of sexual orientation as it is in Bill 7?

Hon. Mr. Sweeney: I do not believe I can as a minister. I can tell you privately some time, but not as a minister.

Mr. Cousens: Does the ministry have a position on this?

Hon. Mr. Sweeney: I am going to defer to my deputy on that because he has more experience in that area.

Mr. Barnes: What we are doing is what is appropriate. The legislation and the suggested changes are before cabinet. We are discussing with the Ministry of Labour the issues as far as they relate to our ministry. It is as simple as that.

Hon. Mr. Sweeney: We have indicated what our concerns would be. There is no question about that.

Mr. Cousens: Would you like to make them public?

Mr. Barnes: The Ministry of Labour has the responsibility around that one and we are indicating how it affects our ministry at this moment from the concerns expressed.

Mr. Cousens: I hope there is some strong leadership from your ministry in areas that might raise all kinds of concerns by people. I appreciate the minister's reluctance to comment more. I wish he would. I think it is something the public is going to want to know about before too long.

May I ask a question about children's aid society programs for adults who were victims of child abuse? I take this out of item 6, vote 2902, page 71. We are hearing about a number of adults who were abused as children while living in children's aid society foster homes. There was one case of a lady in St. Thomas. I am not going to mention her name. I can slip it to you or to others, but I do not want to be the one who makes it public. She was abused by her foster father while living in a children's aid society foster home 22 years ago. As is often the case with severe trauma, she has only recently been able to recall what happened to her in childhood. She is pressing charges against the man and bringing

him to justice. I could go on with a number of points.

What is the concern of your ministry on the care of these people who have gone through this trauma? Is there provision to provide, after the fact, any kind of assistance, psychologically, professionally or otherwise, to help relieve them of their problems?

Hon. Mr. Sweeney: There was some confusion recently about whether children's aid societies had any responsibility to report such events when the person who was affected by it or was abused was an adult at the time it was discovered. We have made it very clear to the societies that if the event took place when that person was a child, the society has a responsibility to report. There is no question about that.

As for the responsibility of the society or this ministry to provide counselling and therapy services to an adult as a result of something that happened to him or her when he or she was a child, to the best of my understanding that would not be the case. If any of my staff knows differently, I would appreciate their saying so.

Mr. Cousens: I will counter it by saying adult adoptees are counselled in different ways, and you are talking about something that rates as a traumatic experience for someone.

Hon. Mr. Sweeney: I do not believe we have that responsibility.

Mr. Cousens: To go back to the foster father, why was this man not prosecuted when the children's aid society had full evidence of the extreme acts of abuse he was performing on this woman when she was a child? It is my understanding the children's aid society had the information and did not lay charges.

Mr. Barnes: How long ago was this?

Hon. Mr. Sweeney: May I ask a question so that we are talking about the same thing? In a recent case, the society said it did not find out about it until the person who was abused was an adult, and then it said it did not have a responsibility. Are we talking about the same one?

Mr. Cousens: In the interests of the person—

Hon. Mr. Sweeney: I do not need names. All I want to be sure of is that we are talking of the same situation. As I said, there had been some confusion about whether the society had the responsibility to report and to have the person charged. The clear direction we have given is, if the event took place while the person was a child, it has the responsibility. Beyond that, quite

frankly, I cannot answer your question in general terms.

Mr. Cousens: I will pass on the notes I have. The bottom line for the future is, are children's aid societies obligated to report these people to the police now?

Mr. Barnes: Yes.

Hon. Mr. Sweeney: If the abuse took place when the person was a child they have an obligation to report.

Mr. Barnes: It is an offence not to report child abuse.

Mr. Cousens: I know. Are you underlining it in your communications?

Mr. Barnes: Absolutely. Mind you, this is obviously a significant change in understanding, attitude and where we are coming from than was the case years ago.

Mr. Cousens: On page 71—

The Acting Chairman (Mr. Allen): Mr. Cousens, are you proceeding with another question?

Mr. Cousens: Yes. I have a series of them.

The Acting Chairman: There is a question Mr. McFadden would like to lay before us about the disposition of our time tomorrow and Thursday. We can stop the clock for a few minutes while he is here and and we make determinations about meetings for the rest of the week. Is that acceptable?

Mr. Cousens: There is no problem with me.

The Acting Chairman: Mr. McFadden, perhaps you will lay your concern before the committee with respect to the estimates of the Ministry of Colleges and Universities. I have a word I will add with respect to my problem later in the week, and then the committee may wish to decide how it will dispose of its time.

4:40 p.m.

Mr. McFadden: In discussion with the clerk, I found out just before question period today that it was proposed to start the Ministry of Colleges and Universities estimates tomorrow. I have to attend two meetings during the afternoon. I gather it may create problems for other people if we start later in the week.

Would the committee consider coming up with a time mutually suitable to all three parties, obviously in the near future, although tomorrow would be difficult from our point of view? I am sorry I did not know until two o'clock today that the estimates would start tomorrow. That is my problem. Unfortunately, I cannot be here tomorrow. Would the committee consider scheduling it

further down the road so that all three parties can be accommodated?

I understand you might have a difficulty later in the week.

The Acting Chairman: Yes, I have a problem on Thursday when I have responsibilities for clause-by-clause consideration of Bill 75 in the standing committee on general government. That will make it impossible for me to be here on Thursday. In effect, Mr. McFadden's problem and my problem wipe out the rest of the committee meeting time this week, unless there is some other disposition made to the committee on the scheduling. If members of the committee have any observations to make on that combination of problems, we should hear them.

Mr. McFadden: Would next Monday be suitable? I am able to be here on Monday. I do not know what other people's schedules are.

Mr. Reyecraft: Has there been any indication from the House leaders how much longer the assembly will be sitting?

The Acting Chairman: I do not have any hard-and-fast information, but it would appear we are sitting next week.

Mr. Reyecraft: We need about two days for the minister's statement and critics' statements.

The Acting Chairman: That I cannot say. I would be surprised if we did not have meetings on Monday and Tuesday in any case, and possibly Thursday. The estimates time is eight hours for Colleges and Universities, so we would normally be able to complete next week if we are here for Monday, Tuesday and Thursday meetings.

Mr. McFadden: If the House adjourns, which I gather is not likely, we could finish it in one day and a morning. We could get it done rapidly. If the House is sitting, of course, it will be more contracted.

Mr. Reyecraft: If the House is not sitting that might not be a problem. In the light of what we have heard, I suggest we postpone the estimates of Colleges and Universities until next Monday.

The Acting Chairman: It would obviously be a major problem. Even if the minister went ahead tomorrow, it would not be fair to Mr. McFadden, who has other responsibilities difficult to avoid, to proceed without his hearing those observations from the minister.

Do I hear the members of the committee correctly that we will not meet tomorrow afternoon or Thursday afternoon, but will resume on Monday to consider the estimates of the Ministry of Colleges and Universities? Agreed.

We will resume our discussions.

Mr. Cousens: We were looking at child welfare services on page 71. I notice there is a cut in the Ministry of Community and Social Services spending in the area of child abuse. Why is less money being spent this year than last year, or in 1984 for that matter?

Hon. Mr. Sweeney: There is no less, so there must be a transfer. My deputy will try to find out what it is.

Mr. Barnes: This was the sum of money transferred to children's aid societies from our budget.

Mr. Cousens: There is a little note at the bottom.

Mr. Barnes: I am trying to remember the exact details.

Hon. Mr. Sweeney: Is it the 42 new people?

Mr. Barnes: Is it the 42 new staff in the children's aid societies? Yes, so it was a transfer from the money we were spending, a divestment of that money in a sense; the employment of 42 persons in children's aid societies as child abuse co-ordinators. There is not less money being spent; it has just been transferred over.

That would appear as additional money out of the four per cent in exceptional circumstances reviews from the 1985-86 estimates to the 1986-87 estimates on the children's aid societies line.

Hon. Mr. Sweeney: From \$181 million to \$198 million.

Mr. Barnes: That is right.

Mr. Cousens: On page 72, where it gives the number of children in care of children's aid societies, the figures are not provided for the past three years in that column near the bottom. What are the figures there?

Hon. Mr. Sweeney: The general trend in all children's aid societies has been a rather dramatic decrease in the number of children in care and a corresponding increase in the amount of services provided to families so the children can remain with them. I cannot remember the exact number of years, but during a period of time it dropped from about 18,000 children in care down to 11,000. There is a definite trend. I do not know what the figures are, but I can tell you which way it is going.

Mr. Cousens: Are the figures not available?

Mr. Barnes: The figures are available in the sense that if you look at page 72—the page is misleading and I apologize for that—the figures between the two black lines at the end of each

column represent the total number of children in care, not the totals of all the columns. You have the breakdown for 1981 and 1982 of 0 to 9, 10 to 17 and 18 to 21 years of age. In December 1982, it was decided not to continue asking for that level of detail around the age groupings of the children. We just asked for the total number of children.

If you look at the 12,072 in December 1981, which is the very bottom figure in 1981, and run it across to 10,368, you will see the decline in the number of children in care in that period. If you move up to the second horizontal line dealing with protection and prevention cases, you will see the number of children in total is going up, which means we have fewer children in care and more children in protection and prevention in the sense of keeping them in the home, dealing with them on a basis other than putting them into care.

Hon. Mr. Sweeney: "In care" means taking them out of their homes as opposed to providing service to their families to look after them.

Mr. Cousens: That explains it. I have two or three questions to do with the information on children's mental health centres on page 79. Is there a breakdown of who receives funding and how much they receive in the different centres serving children?

Mr. Barnes: That is not with us, but we can let you know which children's mental health centres are registered as centres under the regulations and we can let you have their budgets. That is public information.

Mr. Cousens: I would like that information.

Mr. Barnes: Yes.

Mr. Cousens: Could we go a step further? I am not sure of the exact terminology to describe the juries that go into those units, but I know in some of my previous incarnations there were petit juries which reviewed different nursing homes or facilities across the province.

Have there been any such petit juries which have gone into—

Mr. Barnes: Sorry, any what?

Mr. Cousens: A small jury which does a public institutional review. Have there been any reviews of these institutions?

Mr. Barnes: I do not think we do them in terms of public institutions, to my knowledge.

Mr. Cousens: Have there been any reviews of children's mental health centres? I have tried to find some through my own sources.

Mr. Barnes: I do not know of any.

Hon. Mr. Sweeney: Is it called a public panel or something?

Mr. Cousens: Quite candidly, it would be public information but I cannot find it.

Mr. Barnes: I do not know of any, but I will certainly check.

4:50 p.m.

Mr. Cousens: I would like copies of any jury findings during the last year. They sometimes have interesting things to say which the media do not necessarily pick up.

Mr. Barnes: I do not know of any relating to children's mental health centres, but I am prepared to admit I am wrong on that.

Mr. Cousens: I just do not know.

Hon. Mr. Sweeney: It is mostly jails, hospitals and such institutions.

Mr. Cousens: It is my lack of knowledge about the ministry.

Mr. Barnes: I do not think so, Mr. Cousens, but I will check.

Mr. Cousens: It might be time for a break. I know one of the other honourable members wanted to ask some questions. This would be a good chance to do so, before I get into the question of young offenders.

Mr. Reycraft: The question I intended to ask on Friday when we were at the appropriate section of the estimates deals with older individuals, not yet 65 but perhaps in their 50s, who are disabled and unable to obtain employment of any kind.

I have a constituent who fits that situation. He gets approximately \$210 a month from the Canada pension disability benefit and about the same amount from family benefits, giving him an income of about \$420 a month. He lives in housing where his rent is adjusted according to his income. When you look at the amount of money he has, it seems a pretty meagre amount. In talking to me, he often compares his situation to that of a senior citizen, who gets, I believe, in the neighbourhood of \$700 a month.

Hon. Mr. Sweeney: Yes, \$700 a month.

Mr. Reycraft: As he presents it, his relative situation compared to that of the senior causes me some concern. I know your review is under way. You have spoken of it on a number of occasions. Is there any expectation of individuals such as this gentleman getting additional assistance from a provincial program?

Hon. Mr. Sweeney: Mr. Reycraft, it is precisely because of the difference you have just described between a senior who gets a Gains-A

pension and a disabled person who gets a Gains-D pension, with the same kinds of needs in many cases, and, as you have indicated, a discrepancy of \$200 or more, that the question is asked, "How do you justify that?"

Part of the difference is that much of what the seniors get comes through the federal government, whereas much of what the disabled get comes through the provincial government. In many ways, there is no justification for it. People have argued that seniors get more money because they have made a lifelong contribution to the country, and this is one way society pays them back a bit. One of the things we are asking the review team to take a look at is not so much what a person did but what his basic needs are. If two people have the same fundamental needs, they should be getting the same support.

It does make a difference, which you touched upon, whether a person lives in subsidized housing or in the private market. We have a fairly significant amount of money allocated above and beyond the figures you just mentioned for shelter subsidy. Only people in the private market can access that shelter subsidy, which can be upward of \$200 a month above and beyond the figures you named. If a person is in the situation you described, however, he cannot qualify for that.

There is no way to justify what is happening. It has been brought up many times in the estimates in past years and it has been raised in the Legislature by the opposition parties for quite a long time. How do you justify the discrepancy? Quite frankly, you cannot. It comes from a different historical background. As a matter of fact, there was a time when the Gains-A and Gains-D allowances were almost the same. At that point the federal government decided to enrich the seniors' pensions considerably; at the same time, the provincial government did not decide so to enrich the disabled pensions, so we had that discrepancy. I do not know what year that was. Does anybody know when that was? It was not so long ago, within the past 10 years.

Mr. Reycraft: I do not know.

Hon. Mr. Sweeney: Anyway, that is the history of it. We have reached that point, and it is precisely because of these anomalies that the review is being done. The first thing the review team is being asked to examine is the people who are currently receiving service. Are they receiving sufficient service to meet their needs? One of the comments in the Legislature today, you will recall, spoke to that very issue.

Mr. Reycraft: Do you know how many people in the province are in this situation?

Hon. Mr. Sweeney: Do you mean people receiving a Gains-D pension?

Mr. Reycraft: Yes.

Hon. Mr. Sweeney: I do not have the figure. Does anybody?

Mr. Barnes: Do we have such a figure?

Hon. Mr. Sweeney: If we do not have it, we will get it for you. Michele, do you have that? Do you know where it is?

Mrs. Noble: The numbers of recipients are in the handouts that were given to the members. I am just looking at the tables on page 38. You will see at the top of the page the average monthly case load for the disabled group: 73,000 was the average in 1985-86.

Mr. Barnes: This covers a complete range of developmentally handicapped or physically disabled people living in institutions. They will not necessarily all be in the situation of the person to whom you were referring.

Hon. Mr. Sweeney: It includes the psychiatrically disabled as well.

Mrs. Noble: That is correct. That is the entire group of people who are receiving family benefits by virtue of having been deemed disabled.

Hon. Mr. Sweeney: There are fundamentally two large groups on family benefits: sole-support single parents and disabled people.

Mr. Reycraft: Do you have a timetable for review and action on it following its submission?

Hon. Mr. Sweeney: The timetable for the report we have asked the review team to attempt to meet is spring of 1987. There will have to be a few months of reaction time, and we have indicated legislation will then be brought in. We will be well towards the end of 1987, maybe even the beginning of 1988, before the legislation is finalized.

Mr. Barnes: The purpose of the external review is to set the basic first principles, objectives and philosophy of how we should look at income maintenance in the next 20 to 30 years, to change it from the program that was developed in the 1950s. We will then immediately get down to the detailed writing of legislation. Our experience is that, while we might have some drafts ready eight, nine or 12 months after that, whatever it might be there will be an extended process of discussion and committee work to take place around that. I do not want to say there will be overnight changes.

We are dealing with whole issues relating to how we should be dealing with the disabled.

There is a very profound issue here. Why are they treated differently? How can we treat them the same? Should they be pensioners? How should they be paid? Should we have workers checking on them? There are a lot of profound issues we need to address.

5 p.m.

Hon. Mr. Sweeney: Mr. Reyecraft, there is one other point I would make, which Mr. Cousens addressed earlier today. While we are probably looking at a two-year process at least, that does not mean we intend to sit back and make no other changes in terms of equality and justice. The additional \$81 million which was approved and began to be allocated in January 1986 and the \$25 million which will begin to be allocated in September 1986 are attempts to address immediate problems.

There will continue to be improvements in support payments in the next two years to a range of roughly half a million people whom we support. I do not want anyone to think we will sit back and say we will give the flat inflation increase but we will not do anything else. It will be an ongoing meeting of obligations, but I do not know whether we will address the differential between the aged and the disabled to which you referred.

There will be an attempt to close several gaps. Specifically, the \$25 million for this coming September will deal with a range of people with unusual shelter costs not too simply defined. Under the existing legislation they are all over the map and it is difficult to justify some of the differences. We will, therefore, be correcting a number of those anomalies long before this review is finished.

The same thing happened in January with a number of questions regarding children that we addressed in regard to two-parent families on general welfare. We will continue to recognize those needs that cannot wait for two years. To the extent we get the additional funds we will continue to do that. We do not intend to sit back and wait for the study to be done before we make any such changes. We have not done so in the last year and we will not in the next two years.

Mr. Reyecraft: I am glad to hear that.

Mr. Cousens: I want to touch on vote 2902, item 6, working around page 82. The Young Offenders Act and the Child and Family Services Act have had a significant impact on the work load of children's aid society workers, requiring more time for most cases due to the new stipulations and procedures. I want to know how the ministry has compensated children's aid

societies for the extra time and effort they must take to follow the requirements laid out in the new legislation.

Hon. Mr. Sweeney: Let me begin, and then my deputy will pick it up. First, you are probably aware that, prior to the implementation of the Child and Family Services Act, there were extensive information and training sessions for members of our staff, particularly our program staff and staff members of children's aid societies. So there would certainly be less concern about what the implications were and what their responsibilities would be.

Second, we indicated to the children's aid societies and to our own staff that, in terms of the service planning by which they sit down with our staff at least once a year and determine how their needs are changing, additional needs, resources and costs would have to be built in. I am sure my honourable critic knows that a flat increase is given to all the agencies with whom we work. In the past couple of years it has been approximately four per cent and it is already projected as four per cent for 1987, assuming there are no other changes.

Additional sums of money are allocated to many agencies across the province as they are able to demonstrate that they have additional costs, because of either a greater case load or a greater burden of responsibility we have placed on them. Mr. Barnes, do you have something more specific to add?

Mr. Barnes: I would like to distinguish between the Child and Family Services Act and the Young Offenders Act.

Mr. Cousens: I know they are different.

Mr. Barnes: The Child and Family Services Act has had significantly more effect on children's aid societies. I do not mean it has significantly increased the load, but we have had very significant training sessions in that area.

We have to look at three background issues in children's aid societies. First, there is a declining child population, but we are told that many children are getting more difficult to deal with. There is evidence that we are getting more problems involving children due to higher divorce rates, pregnancy, single parents and so on. We have what we call the exceptional circumstance procedure. We try to set a budget with the children's aid society at the beginning of the year, but sometimes it takes longer. Sometimes it takes the same budget as last time.

At the end of the year, if we find that the children's aid societies have had to pay more because of increases in the numbers of children

coming into care or because of case load of a nonforecastable nature, we have what we call an exceptional circumstance review through which we make more money available to them than we had anticipated in the estimates.

Our estimate in 1985-86 for children's aid societies was \$181,890,000 and the actual was \$187,458,000. That is a recognition of the exceptional circumstances the children's aid societies ran into that were not anticipated in the budgets or service plans that we set with them. In going through service plans with children's aid societies, we try to identify the trends, what is happening, the sort of case load they might have and what they can do as an alternative to children in care, which is expensive. We try to work that out with each of the societies. That has been an ongoing process since early in the 1980s and it is becoming quite a good process; we are much better at it now than we were then.

Mr. Cousens: The conflict that exists in the children's aid societies is the funding to provide the service they need to provide and in competition with that is the service level for each situation. When the funding is restrictive, it has a concomitant effect of restricting the level of service and the amount the individual case worker is able to give a particular child without knowing for sure that there will be the goodwill you are talking about now. It is very important that the two somehow run together.

Mr. Barnes: I understand. I honestly believe that the service planning we are engaging in and have engaged in for some time with children's aid societies has been an excellent process of mutual identification of problems and issues. It is a process we want to expand much more widely. Any recognition of problems helps in that relationship. We will never solve them all because we will never have all the money we would like to have. However, it is a much better process than it was when I arrived in the ministry in 1977.

Mr. Cousens: Perhaps I can table a series of questions on the funding of children's aid societies and you can get back to me with detailed answers. It would certainly help me in my job as critic. First, is funding completely based on the number of children in care? I know it is not, but I would like you to elaborate on that. Is it based on the number of cases handled by the society? Is funding weighted according to the number of children in different types of programs? I would like to know how it is funded accordingly. Has additional money been made available for preventive programs, for which children's aid

societies are mandated under the Child and Family Services Act? I would be interested in a detailed breakdown on how that funding works rather than getting it now, as my time is getting tight.

Mr. Barnes: We can let you have that. We will see that you get it.

Mr. Cousens: Earlier this year, the children's aid societies felt their options in community services programs were threatened; perhaps you did not think they were. We have learned that in the fall they will again be under review. Can the minister guarantee that these programs will continue?

Hon. Mr. Sweeney: Mr. Cousens, you used the term recently yourself. There are a certain number of mandated programs that, by legislation, children's aid societies must carry out. Then there are a number of programs that individual children's aid societies have chosen to adopt within the budget that is available. We have already indicated that a number of societies have been able to free up money. They have taken fewer children into care but have done more work with families and have done more preventive work. They have more scope to move money around. They have the option to do that. However, and I responded to this same point a little earlier, there is a limit to the number of programs they can choose to enact and put into place with the total number of dollars we can give them.

5:10 p.m.

If you were to make comparisons around the province—you do not have to go far away, simply within a 25 to 30 mile radius—you would find a different range of programs offered by different societies because of the different makeup of the mix of people they serve. Societies in Metropolitan Toronto tend to offer a wider range of programs than some other communities in Ontario. We have indicated very clearly that as long as they have the resources to do that, they should by all means go ahead and do it. However, we have also indicated clearly that a society cannot unilaterally decide to mount a new program and have the ministry pay for it. We cannot do that.

As the deputy minister has already indicated, as part of overall service planning we are quite prepared to sit down and perhaps come to an agreement that a particular program is so important and fundamental that it should be part of the funding process. There are other programs that individual societies take on on their own and

we cannot continue to be responsible for every one of them.

There is a limit to the number we can handle. Societies cannot unilaterally make the decision. This is not done in any defiant or negative way. I am only saying that there is a limit to the resources that we have and that we can transfer. This is true of a whole range of agencies such as our children's mental health centres and child and youth centres, which have the same difficulty.

Mr. Barnes: For the record, in terms of specific program options in Metro, I do not think the ministry was ever of the view that they had to be closed. We have no information that there is any likelihood of them being closed in the fall.

Mr. Cousens: Are you quite supportive of the program?

Mr. Barnes: Yes, we are very supportive of community programs.

Mr. Cousens: Are you supportive in philosophy and theory?

Mr. Barnes: Yes.

Mr. Cousens: On the whole issue of children's aid societies, when you are giving me some financial numbers, would it be possible to have a breakdown of the funding allocated to each of the province's children's aid societies this year and last year, and possibly the forecast as well?

Mr. Barnes: That is easy. We can do that.

Mr. Cousens: I refer now to table 1 of the answer I received to my question, "Community alternative programs for young offenders by province." This was given to us last week with regard to one of the questions raised in the Legislature: "Are the discretionary program options which are available under the Young Offenders Act being used in Ontario? How does Ontario compare with other provinces in the use of these options?"

In response to that question, there are more asterisks than affirmatives in the Ontario situation. Therefore, on alternative measures, the Ministry of Community and Social Services gets an asterisk; in other words, there is no official program. There is no official program as regards fine option, bail supervision, hostels and youth justice committees.

Is there any plan to do anything about this?

Mr. Barnes: Regarding bail supervision, the only reason there is no official program for MCSS is that it is an adult program and relates to the 16- and 17-year-olds.

Mr. Cousens: That is understandable. It should have had another tick. You should have said it was not applicable.

Mr. Barnes: With regard to the balance of the programs, we are reviewing the whole community alternative situation at the moment and what we can do in this area. You are quite right, however, we are not as far down the road as some of the other provinces.

Mr. Cousens: Do you have anything in writing on that, anything planned or specific?

Mr. Barnes: I am not sure what we have in writing on it.

Mr. Cousens: What are you really doing on it? You are reviewing it, but I am hearing this quite a bit.

Mr. Barnes: I guess you are hearing it quite a bit because that is exactly what we are doing. I am not conscious of anything in writing on it.

Mr. Cousens: Are there any plans as to when you hope to see something coming?

Mr. Barnes: I need to ask Mr. Duda where we are with the timing on that. Perhaps I can ask him to come to the table.

Hon. Mr. Sweeney: While Mr. Duda is coming forward, let me add one observation.

You were present in the Legislature during the time there was a considerable difference of opinion between the government of Ontario and the federal government as to whether the Young Offenders Act should be imposed on Ontario. That was the term used, if I remember correctly. There was a considerable amount of reticence and reluctance to move ahead with it. When this ministry's component was introduced in 1984 and the Ministry of Correctional Services' component was introduced in April 1985, there was very little in place in terms of getting ready for it, even though the federal government had passed its legislation two years earlier in 1982.

The only point I am trying to make is that this ministry has been doing a fair bit of catch-up work. That is one of our problems. The judges who were going to be responsible for the act had their first training session something like six weeks before it took place in Ontario. There was a considerable amount of apprehension on the part of that group of professionals as to their readiness to take on the job. That is one factor. It is historical, but it is something we have to live with.

The second point is that even today in Ontario, there is some difference of opinion, compared to other jurisdictions, on the appropriateness of some of the alternatives. For example, one of

them is diversion, meaning a local police officer would have a great deal of discretion as to whether a person would be officially charged and brought before a court as opposed to the police officer saying, "You are going to do community service," or whatever the case might be.

There is a considerable amount of concern in legal circles in Ontario as to whether it is appropriate under our federal charter to have a police officer, in effect, be judge, jury and the whole bit. That has not been resolved. I simply want to let you know that this program has not been introduced in Ontario, not because there has been any foot-dragging on the implementation but rather because of a strong concern about whether it is appropriate. I hope that will be resolved fairly soon. When it is, either we will get into that program or we will not.

Those are two other factors we are living with as part of today's reality based on the past of yesterday. It does not answer all of your question, but it is a component of our decision-making.

The Acting Chairman: Mr. Duda, do you have something to add?

Mr. Duda: Not much. Mr. Sweeney pretty well pre-empted anything I was going to say. We will be reviewing other provinces' application of alternative measures and some of our experiences and developing a response for the ministry in the fall. While we do not have an official program, there currently are some alternative measures in some communities. We should have some evidence of that work by November.

The Acting Chairman: That is helpful.

Hon. Mr. Sweeney: There is one point that is very encouraging. As this ministry has been able to demonstrate to the courts that it has the capability to provide more community-based programs in open as opposed to secure settings, the disposition of the courts is much more to that kind of setting. This was not the case for about the first six months. The judges were very concerned about the capability of the ministry to deliver. It was only after they saw evidence that the ministry could and would deliver that we have seen a definite shift away from secure custody to open settings, to the point where we have been able to phase out some of our secure-custody facilities. I expect in the next couple of years we will probably phase out all but one major facility; we have to have one some place. In my judgement, that is a very positive move for 12- to 15-year-olds. We were a bit concerned about the dispositions at the beginning, but it is starting to shift around.

Mr. Barnes: In the past eight or nine years, the province has been pretty progressive in developing community alternatives in open-custody group home dispositions and so on. We spent much of our time trying to develop an appropriate network of them across the province. In that sense we are probably in a better position than the majority of the other provinces. The alternatives in terms of fine options are the ones we now have to review seriously.

Mr. Cousens: Are there any statistics on recidivism and repeat offenders coming through this? Is it too early in the program to know its effectiveness?

Mr. Barnes: With respect to the Young Offenders Act, it is too early to tell.

Mr. Cousens: Is it under study? Are you collecting the data?

Mr. Barnes: We review recidivism by following clients.

Mr. Cousens: Are they all computerized?

Mr. Barnes: I am not sure of the extent to which recidivism figures are computerized. Can anybody help on that point?

Hon. Mr. Sweeney: We have a figure of an 80 per cent success rate in those programs.

5:20 p.m.

Mr. Barnes: I do not know the answer to that.

Hon. Mr. Sweeney: Mr. Cousens, you are probably well aware that the recidivism rate for adult correctional centres is roughly 70 per cent, which has been a matter of considerable discussion. It has been a relatively short time, a little more than two years, but to the best of our knowledge the figures we are getting show about an 80 per cent success rate. Keep in mind that we are dealing with a much younger population, so you would expect to have a much higher success rate. It is a pretty good figure. My deputy minister is reluctant to quote the figure; I will quote it, but with reservations. It has been a short time, but that kind of success figure shows we are moving in the right direction.

That was the whole point of the young offenders legislation, using community resources and rehabilitation to get these kids turned around before they become professional law-breakers. If you can do that when they are 12 to 16 years of age, you have a much better chance of keeping them off the adult rolls later on. It seems to be working, but keep in mind that the fact they are younger means you have a better chance of making it work.

Mr. Cousens: What is your per diem rate for open custody?

Mr. Barnes: It varies.

Mr. Duda: I remember the average per diem to be \$65 a day. You must remember that is an average. The range is approximately \$40 to \$80, depending on the type of service and the care requirements of the youngsters.

Mr. Cousens: Is any consideration being given to increasing the number of beds with regard to open-custody clients? I notice there are 109 beds for close to 700 clients.

Hon. Mr. Sweeney: Keep in mind that open-custody placements are usually in the two-month to three-month period. A bed would be used four or five times a year. They are relatively short terms.

Mr. Cousens: There is no lineup?

Hon. Mr. Sweeney: Not as far as I know. We are required by the books—

Mr. Cousens: You are required?

Hon. Mr. Sweeney: Yes. We must have a bed. We have to place them. We do not have any choice. It is the one area of the ministry where we cannot have a waiting list.

Mr. Cousens: Do you have a list of the facilities you use for open custody?

Mr. Barnes: Yes, we do.

Mr. Cousens: May I get a copy of that?

Mr. Barnes: I guess so.

Hon. Mr. Sweeney: Perhaps that is how we should solve all our other waiting lists.

Mr. Barnes: Make it mandatory.

Hon. Mr. Sweeney: It is a good way, is it not?

Mr. Cousens: What is the staff-client ratio for probation services? Is it one to 35?

Mr. Barnes: Yes.

Mr. Cousens: Is that considered high?

Mr. Barnes: No.

Mr. Cousens: Please explain.

Mr. Barnes: We do not consider one to 35 cases to be high. That is a very reasonable case load at the moment. It will vary; that is an average. One probation officer dealing with some very difficult children may have a lower case load. Another probation officer dealing with children who do not require that amount of attention may have a greater case load. That is the average and from what I can gather, it is a pretty satisfactory figure.

Mr. Cousens: Does that include time spent working with parents?

Mr. Barnes: Yes.

Mr. Cousens: It is not only the child but also the parents.

Mr. Barnes: Yes. The whole concept is to—

Hon. Mr. Sweeney: It is mandatory under the legislation that parents must be involved with our clients. They have to be taken into consideration with respect to sentencing and what happens after the children come out of custody. It is required. It is one of the good parts about the young offenders legislation.

Mr. Cousens: I worry about that figure. With that number, I think the case load can be pretty tough at times, especially when dealing with certain family situations where there are all the complications of breakups, mental illness and other things that are part of the whole problem. These are not always understood by the courts and everybody else. The case worker will understand it and begin to be able to work through a solution. Yet, with those numbers, I think it can be quite tough. You are happy with it. I assume it has not changed for some time.

Hon. Mr. Sweeney: You have to look at it in somewhat relative terms. My sense is that probation officers in other settings would dearly love to have that kind of case load. In some cases, their current case loads are well over 100. There is a certain relativity to this. What is the so-called ideal? Obviously, it would be one to one, but that is not realistic. How close can we get to it so that it meets the needs?

Mr. Barnes: I think a case load of 35 is good. It allows for our approach to dealing with these children, which is a case management approach rather than a “just make sure they pop in and they are still around” approach. I am not unhappy about that case load.

Mr. Cousens: I turn to vote 2902, item 7. This is a question on homes for special care. I can get the answers later. If possible, I would like to know how many homes there are, the number of clients being served, the per diem and some of the future plans for these homes.

Mr. Barnes: We are gathering all that information right now. Mr. Johnston asked a detailed question on that. You will be getting that in the binder I promised you.

Hon. Mr. Sweeney: There are about 3,000 clients altogether; 72 or thereabouts are children, a little more than 1,000 are under 55 and the rest are over 55. Again, these are round numbers, so do not hold me to those exact figures.

Mr. Cousens: I have another set of questions on something that was referred to by the minister

in his opening statement. I have not had a chance to see where it was. I was pleased to see his interest in brain-injured people in Ontario. Do you know about the Ashby House Group down in Sunnyside?

Mr. Barnes: Yes.

Mr. Cousens: Do you know what it is doing and how it is going? Is this seen as a good model? Is there anything we can do to support it? They are serving not only brain-injured young people; they also have stroke victims.

Mr. Barnes: Mr. Duda can speak specifically to that.

Mr. Cousens: This model is working. Is there more we can do to expand that kind of opportunity for brain-injured young people?

Mr. Duda: First, Ashby House has provided leadership in providing services to the brain-injured. However, I think they will be the first to admit that their pioneering in this area requires certain refinements. I understand that right now our area office is working with the Ashby House board around the kind of improvements that might be necessary.

Having said that, there is much to be gained from their experience. On the basis of their experience and the development of guidelines emanating from that, it is our intention to introduce additional programs for the brain-injured. The money was made available by the Treasurer (Mr. Nixon) in his most recent budget. The guidelines for the new program will be available in the late summer or early fall. We will be able to fund at least two additional projects.

Mr. Cousens: That is good. Is anything being done to provide respite for parents with brain-injured children?

Mr. Barnes: Specifically, we have respite care programs. The whole issue of brain-injured children is becoming more and more of an issue for us as more of them stay alive. There is no specific program for brain-injured children as such in terms of respite care, but we have respite care programs for which I hope they will qualify. Is that a fair answer, Mr. Duda?

Mr. Duda: Yes. The majority of our respite programs for children are for the developmentally handicapped. We have been working with the association that provides relief services—I forget its official name—to develop guidelines that can be more broadly applied. That application will include physically handicapped children and brain-injured children.

Our objective is to provide \$1 million in 1987-88 and begin to introduce these programs in

the fall. I think we will have approximately 700 new clients provided with respite services, in addition to the 2,500 already being served through our developmentally handicapped services.

5:30 p.m.

Mr. Barnes: We see respite care as a very powerful tool to keep children at home.

Mr. Cousens: When you know families, as I do, who have this problem to deal with by themselves, you know it becomes a very lonely task. It is very frustrating. It is imperative that our society begins to find ways of not only giving respite and not only having models we can look at whereby these young people can find a way of breaking out of this new shell they are in, but also at ways of teaching them new skills so they can get back into the work force. I think you are looking at educational programs.

There was a recent article in the Toronto Star about a doctor who rejected a patient who had been brain-injured. He did not fully understand the nature of the illness and that what the patient was manifesting was a typical reaction of a brain-injured victim.

Mr. Barnes: There are also some community volunteer respite care programs getting under way, which we are actively encouraging at this time. There are groups of parents who are prepared to take children or act as respite care parents for weekends and so on. We are actively encouraging those as well. I think there is a real potential in this area, and we support your conviction absolutely.

Mr. Cousens: There are two other things that have come out of my discussions with parents on this. One has to do with an adult-oriented type of camp. We have to be looking not only at respite but also another kind of environment. Once you are over 21, no one seems to care as much. You are still young if you are 23 or under 25 or 30. Where do you go? What can you do with them? What can be done?

To me, it is almost like Alzheimer's disease. We have learned a lot about that in the last few years and are moving towards it. Here is another group within our society which is not as vocal, yet it has a serious problem.

Finally, if I were to throw out another thought on this issue—and I like the way Mr. Duda is looking at it; I sense the compassion and concern—it would be on insurance rates for the disabled. People who are working to provide programs for them are finding their efforts thwarted because of the soaring insurance rates

for anyone trying to do anything with a disabled group. It is becoming a very serious problem. Maybe there is a need for a policy review of what this ministry is doing with different volunteer organizations and other groups that are trying to serve special groups.

Mr. Barnes: With regard to insurance, a review of how we can help our agencies is taking place at this time in the whole area of insurance. I hope there will be a number of recommendations which will ensure that they are covered.

It is not just here. In the day-care area there is also an issue relating to indemnification against accusations of child abuse, and so on, which has proved to be particularly difficult because of the legal situation in the United States and the fear that might also apply here.

We are looking very carefully at what our alternatives around this are at this time. It is a difficult problem. With each agency, we are looking at the impact on its budget of the increasing insurance rates—and for a small agency that can be quite significant—and ensuring that appropriate coverage is given to agencies so they can keep their programs going.

Hon. Mr. Sweeney: To add another point, the deputy is too modest to mention it, but you will notice in his ministry reorganization there is now a new section for the use of technologies. You and the deputy were speaking about that earlier in another context.

There are a number of pilot programs around the province right now wherein people who are seriously injured in the way you described are being given opportunities of access to new kinds of activities through the technologies, through the use of computers and a whole series of switching processes.

I was at one in my own community of Waterloo very recently. They have designed some tremendously important things. At one of our facilities, one of our people has designed a four-way mercury switch that can be put in somebody's head and all the person has to do is move his head forward, backward or side to side and he can operate chairs and computers, put lights on and off and the whole bit. There is a great deal of promise there because many of the people we have been discussing still have a great deal of mental acuity. It is the effect on the rest of their body that is causing the problem. Jocelyn Lovell is one example of a person such as that. I think the future in that area is very bright, much brighter than it was in the past.

Up until very recently, the past couple of years, this ministry has not been responsible for

the brain-injured; it has been the Ministry of Health. For the first time, we were given a specific allocation in this last budget to make some moves in this area. We are just starting to crawl in terms of how we provide service in this area. For the most part, these people in the past have ended up staying in a chronic care hospital and not an awful lot was done for them.

In a short time, there has been some considerable movement. I wanted to point out once again the options and the opportunities that the deputy's new technologies division will provide for people such as this. It is promising.

Mr. Barnes: We are developing some project ideas for the use of technology with the disabled and the elderly, because there is a complete range. An example is calling in help by having a buzzer around the neck or wherever. The trouble is that in looking at this and at the sort of environment in which the disabled and elderly can make use of this, one wants to be sure that one is not setting up an almost visible experimental station. We want to do it in a supportive way and at the same time in a nonoffensive manner. We have to review how we handle this well.

Mr. Cousens: I have a number of remarks I wish to make. I have not gone through estimates before but I wanted to share, if I could, some of my conclusions that have come out of the past several days.

The Acting Chairman: Mr. Cousens, I should remind you that we are dealing with supplementary estimates as well as the regular estimates. If you have any comments you would like to address to the supplementary estimates, that should be done before our time runs out.

Mr. Cousens: Do we get extra time to do the supplementary estimates?

The Acting Chairman: No. They are part of the same package.

Mr. Cousens: I will deal with my remarks.

I have a number of points I wish to table for the record. The first one has to do with communications from the ministry, which we have touched on. If I have a concern, it is the lack of follow-through on the intent displayed in comments by the minister and deputy. As a ministry, it is important that you have a review to make sure that at least this critic is made aware of continuing changes in initiatives and public documents; a sense of openness so that as this information is made available, we are able to react to it and on a timely basis. Some documents came out—and I do not have them with me—and I got them, yes, but they were dated February and I

got them in April. If that can be part of the sharing of information, I think it would be in keeping with the spirit you are calling for.

The social assistance review which was announced today in the House has the potential of accomplishing good things for everyone in Ontario. I would like to see a schedule of some of the various centres that the committee will visit and I hope it also includes comprehensive discussions with the federal government and other jurisdictions. I hope it has an opportunity—and I did not see it in the press release—for greater concentration on retraining and work incentive programs which are implicit to the whole thing and which we talked to earlier. We want to see people break out of the cycle of dependency and find a way of being full contributors to our society. As long as that is happening, that is good.

I continue to be very concerned with the role and status of the handicapped, the vocational rehabilitation services programs and the need for us to be doing far more to find solutions in that regard. The problem is defined, but there is now a need for an action plan to resolve a number of the inconsistencies with what would be a good thrust.

5:40 p.m.

In the areas of child abuse and family violence, I am not convinced that we as a government or as a society are doing all we can do in the prevention of child abuse and wife battering. It was certainly something very close to the heart of Mr. Drea when he was minister.

I have recently been in contact with a person I know who has beaten up his wife and has really gone too far. We are talking about physical abuse. It happens and is happening far more often than any of us realizes. Now that you have assumed control of this registry, I would like to ensure that you plan to do something with it and that it receives a high priority in the direction this government takes.

I am concerned as well about child care. There is a paper coming, I understand. It is like a lot of other things that you are talking about; you have said it is coming, it is under review, it is in the plans, it could be early fall—I do not know when the new moon is coming. I think it is something people are looking for and I will be interested in seeing it when it comes.

I am worried about the young offenders. I do not think the answers are all in yet. I think you have also said that. You are in the process of reviewing it. I have to say that it is a concern.

It is tragic that, in our society, no one raises this as a problem. I have heard maybe one or two questions in the Legislature that are directed to the Minister of Correctional Services (Mr. Keyes). I have heard of no questions that have been directed to your ministry or to others with regard to this very sensitive area that deals with the Young Offenders Implementation Act. That is quite surprising in a society that is being affected by that legislation in such a way.

It gives us a chance, through estimates, to raise it and to make sure it is receiving the attention it should receive. I think there will be an awful lot more happening. I do have some models to share with you that you asked for and I will dig them out and get them to you.

It is a huge ministry. I cannot believe how large it is, how much it is doing and the number of people it affects and touches every day. If I had a challenge for the minister and the deputy, it would be that you cannot take for granted the people who are doing the job on the front lines and the importance of maintaining their morale and their sense of being appreciated for the jobs they are doing.

When I have asked questions, it might have seemed I was being critical of the people who are really the servants of the public. I did not intend that. My intention is, at the Legislature and at the senior management level, to make sure there is a focus and that we accomplish worthwhile objectives and, within that context, making sure that we recognize the contribution of the people who are making it happen.

We are living in an age where we do not have everyone being promoted to high management levels and we do not have the opportunity, necessarily, to pay them what they deserve. There is a lot that can be done by a thank-you, by recognition, by awards of excellence, or by special promotion of certain people within a certain area.

It might even mean a new category of certain people who decide that their profession is just going to be working with people. They do not want a supervisory job but they are happy just having that one-on-one contact with the people they work with. I do not think that we, as a government, ever do enough to support these people and let them know that their job is fully appreciated.

Maybe there has to be a review from within, from where you come from, to find ways of increasing that sense of support so that—I guess I am repeating myself—we do not take them for granted. Not that you do, but some people, when

they are out there, do not know that people in the Legislature or in senior management do care.

I conclude by saying there is probably no more important ministry right now. We are dealing with an area of society that is generally not thought about that much. You only have to scratch the surface to realize that we are dealing with the sensitivities of what society should really care about. I commend them to you and I promise to be vigilant in watching you as you go about it.

Hon. Mr. Sweeney: I want to respond briefly. I am not going to respond chapter and verse because we had asked right at the very beginning that this series of estimates debates be used to come up with some constructive suggestions. I just heard a number of them and I thank my critic for them.

I cannot help but touch on the very last issue he raised. One of the agreements the deputy and I quickly made upon our joint appointment to the ministry was that the people who work in the ministry were going to determine how well our clients were served. We both recognize, with our responsibilities most of the time at the Queen's Park office, that we cannot be out in the front line. Therefore, we have to rely very much on the morale and the attitude and the sensitivity of the people who are. A big part of our job was to get out there and make sure those people knew that we knew what they were doing and we were sensitive to their concerns, their frustrations and their stresses, and they were very much part of, to use the old cliché, a team.

As a result of that, both the deputy and I take every opportunity we can—and it is not as much as we would like—to get out of Queen's Park and visit our various area offices, the agencies we transfer money to and the facilities for which we are responsible. Basically, we are carrying one message: "We are here to see what you are doing, to try to understand what your difficulties are, and to say very clearly how much we appreciate what you are doing, how much we need what you are doing and how much we want you to feel part of this overall team. Each of us has a role and it is not a case of superior or inferior, subordinate, or whatever you want to call it, it is just a different role."

As I have indicated to some of the groups of people, part of my job is to represent them in the Legislature. When questions come up or new legislation comes up, I am their voice. Part of their job is to represent me in our communities around the province. I think I can fairly say that in the last year there is a growing sense of

partnership in this ministry, that people in agencies feel they are not isolated, they are not just receiving a cheque and being expected to do a job and keep their mouths shut. They are very much contributors.

People in our offices around the province are being made aware of the fact of how important their role is. Just recently, a couple of people from my minister's office and the deputy's ministry office have started to visit our regional offices around the province and to describe for them the things we do here, so they better understand. In one case, they even took a videotape of question period in the House, of the kinds of questions that are asked, the kinds of responses the minister is expected to have, and the role they play in the offices in contributing to that and to the fact that they make accurate information available to us.

There is no question in our minds that the deputy and I and the senior staff members at this level can make any attempt to do this job by ourselves. We cannot do it. We have said that very clearly.

I want to make a second point. I said at the beginning I wanted some of our senior staff here so they could have a sense of the things you and the New Democratic Party critic were concerned about and would raise questions about, but also that you, as critics, would have a chance to see them, to meet them, to talk to them, to hear them respond to you, and to understand their sensitivity, their professionalism and their expertise.

You have had a chance to do that. It has been a good two-way street. It is one of the very positive advantages of the estimates meetings. I want to say "Thank you" to you for your courtesy and to say "Thank you" to my staff and to my deputy for the way in which they have handled their end of the bargain.

The Acting Chairman: Are there other members of the committee who wish to make their voices heard on any last-minute subject before we ring down the curtain on the estimates? None.

On behalf of the two critics and the committee, thank you for your appearance and for the full and careful answers of yourself and your staff. It has helped all of us get on with the job of doing what the ministry is intended to do.

Vote 2902 agreed to.

Supplementary estimates agreed to.

The Acting Chairman: This completes consideration of the estimates of the Ministry of Community and Social Services.

We shall meet again on Monday, as we decided earlier, to take up the next set of estimates, the Ministry of Colleges and Universities. Some of you will be here and some of you will not. We will see you then.

The committee adjourned at 5:56 p.m.

CONTENTS
Monday, July 7, 1986

Adults' and children's services program:

Children's services	S-513
Adjournment	S-528

SPEAKERS IN THIS ISSUE

- Allen, R. (Hamilton West NDP)
Cousens, W. D. (York Centre PC)
McFadden, D. J. (Eglinton PC)
Reycraft, D. R. (Middlesex L)
- Witnesses:**
- From the Ministry of Community and Social Services:**
- Sweeney, Hon. J., Minister of Community and Social Services (Kitchener-Wilmot L)
Barnes, P. H., Deputy Minister
Noble, M. M., Assistant Deputy Minister, Family Services and Income Maintenance Division
Duda, G., Assistant Deputy Minister, Community Services Division



No. S-22

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development

Estimates, Ministry of Colleges and Universities

Second Session, 33rd Parliament

Thursday, October 16, 1986



Speaker: Honourable H. A. Edighoffer

Clerk of the House: C. L. DesRosiers

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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STANDING COMMITTEE ON SOCIAL DEVELOPMENT

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Allen, R. (Hamilton West NDP)

Andrewes, P. W. (Lincoln PC)

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Substitution:

McFadden, D. J. (Eglinton PC) for Mr. Jackson

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, October 16, 1986

The committee met at 4:04 p.m. in committee room 1.

ESTIMATES, MINISTRY OF COLLEGES AND UNIVERSITIES

Mr. Chairman: I call the meeting to order.

Today we will deal with the estimates of the Ministry of Colleges and Universities. The normal procedure is to take the minister's statement, the official opposition's statement and the statement of the critic for the third party and then proceed line by line.

Mr. Allen: Mr. Chairman, on a point of order: May I put a motion to the committee?

I move that the standing committee on social development, sitting to consider the estimates of the Ministry of Colleges and Universities, urgently request that the government, in its forthcoming announcement of university operating grants: (1) Immediately raise the grant level to the national average level, calculated at least on the basis of per full-time student equivalent; in fact, it is an additional \$170 million; (2) project for the subsequent two years assured levels of operating grants that will enable the universities both to meet the deficits in library acquisitions, equipment and renovation and achieve enhanced levels of access, instruction and research.

Mr. Chairman: Thank you, Mr. Allen. You should have given me copies of the motion before you read it into the record.

At the moment, I will have to rule that it is out of order and that we are here specifically to meet around the estimates of the ministry. Although it refers to us as the committee doing that, it is outside the discussion of the estimates, as I read your motion. It deals with a forthcoming announcement, rather than with the estimates themselves.

It would be possible for you to reintroduce it in a slightly different form as we go line by line through the estimates. You, as a member, cannot move an increase in cost or taxation but at that point you can make a request, if you wish. Then you could move something such as that; but at this point it would be out of order.

Mr. Allen: I am aware that moving what would be a money bill would be quite out of order in this place; therefore, I have worded it the way I

have. If I may introduce it at another point and have the committee consider whether it wishes to proceed or discuss the motion, I would be happy to do that.

Mr. Chairman: I should have told you the other option would be to deal with this as we dealt with other matters on Tuesday. That is to say, in terms of the matter that you would like to have raised and debated by the committee, that this is a matter you would like put on that priority list and have the committee decide on its priorities. That would be your other option.

Mr. Allen: Thank you.

Hon. Mr. Sorbara: I may not move a motion but I beg the indulgence of the committee and I hope you do not rule me out of order. As was mentioned in the House this afternoon, I have an appointment at 5:30 p.m. before the policy and priorities board of cabinet.

Mr. Cousens: You got a good appointment about a year and a half ago.

Hon. Mr. Sorbara: I am at the disposal of the committee. I would greatly appreciate the opportunity to absent myself from the estimates hearings for about 15 or 20 minutes, or I leave it at the discretion of the committee to perhaps adjourn at that time or whatever.

The matter is sufficiently important; if the committee saw fit it could allow me to absent myself and perhaps have my deputy stay here, or whatever the committee directs in this regard.

Mr. Chairman: As a matter of practice, it is not out of order to make this request. The committee can make any decision it wishes in terms of the ordering of business.

My advice would be for the committee as a whole either to take a recess until the minister returned or to adjourn for the day.

It has been practice in the House not to have opening statements by the critics without the minister in the chair and vice versa, just as sort of a politesse among the prime members of the committee. In your discussion, I would suggest you treat it that way. We will all recess while you are away or we will adjourn at that point for the day.

Any comments by the critics? Mr. Allen, you have my attention.

Mr. Allen: I agree with the minister. If he is going to be in the planning priorities committee in order to make some submissions with respect to the very matter before us—namely, university funding levels for the coming year—then it is very important for him to attend. We should not stand in his way.

The question as to whether we continue or not has been put very well. I would not want to continue in session without the minister present. Is it the understanding that he is leaving as late as 5:30 p.m.?

Hon. Mr. Sorbara: The appointed time is 5:30 p.m.

Mr. Allen: Then it would be appropriate for us to adjourn. The likelihood of the minister getting back and us doing anything profitable between the time of his return and six o'clock is very unlikely.

Mr. McFadden: I concur with that. It does not make a lot of sense. If he is delayed, we could be sitting around towards 6:15 or 6:20 p.m. It is not likely that much is going to happen in the last few minutes.

I hope we can finish the opening statements by 5:30 p.m. so we can get down to the line-by-line work next week. I do not know if that is going to be possible; it depends on how long-winded we all are. Maybe we could shoot for that anyway.

Mr. Chairman: The preference I am hearing is that we adjourn at that point, but we will try to do as much as we can now in terms of the statements. We will have to see how things go. At 5:30 p.m. we will adjourn today. That is the consensus among the parties. We will then reconvene on Monday next.

Hon. Mr. Sorbara: It really is a pleasure for me to be here for the second time in estimates and for me to introduce on this occasion the 1986-87 estimates of the Ministry of Colleges and Universities.

As members will recall, it was slightly more than 16 months ago that I had the privilege of being sworn in as Minister of Colleges and Universities. I would like to take this opportunity to reflect upon the state of post-secondary education as I found it at that time, to review the measures that have been introduced since then and to articulate some future directions in which I see we are headed.

It is very important that we maintain a sense of where we have been and where we are going. A wise man, some say an astute observer of human nature, Yogi Berra, once cautioned, "If you

don't know where you are going, chances are you may wind up someplace else."

Upon assuming office, I considered it my responsibility to visit as many college and university campuses as possible to elicit the perceptions and draw upon the expertise of administrators, faculty, students and support staff.

I examined the state of health of the post-secondary system with three purposes in mind.

The first was to assess the ability of the system to serve as a cultural greenhouse in nurturing the intellectual growth of our province. Like Cardinal Newman, I too believe that "a cultivated intellect, because it is a good in itself, brings with it a power and a grace to every work and occupation which it undertakes and enables us to be more useful to a greater number."

The idea underlying our college and university system is an indisputable one and one that has withstood the test of time. I wanted to see how well the reality of the system lived up to the idea. I was also interested in looking at how the system is meeting changing social and economic demands and assisting society in adjusting to technological change.

Paramount among these demands are the new standards of a world economy. As every member here today knows, we face intense international competition based upon research, knowledge, information and new technologies.

The fact is that economic advancement now springs primarily from the fruits of scientific research. The old economic order held natural resources supreme, but in the new order, human resources and our ability to use those resources in the transformation of technological innovation into industrial growth are supreme.

The restructuring of our economy depends upon the arduous transition from the old order to the new.

L'Ontario doit faire des efforts particuliers pour égaliser et même dépasser d'autres puissances économiques dans les domaines de l'application de la science, de la recherche et de la technologie dans certains secteurs. Les Canadiens ont excellé dans la mise au point de nouvelles technologies. Le téléphone, le régulateur cardiaque, le Canadarm et la fibre optique, pour n'en nommer que quelques-uns, sont autant de produits créés par des Canadiens. Rien ne nous empêche, en Ontario, de maintenir la tradition canadienne d'être à l'avant-garde de l'innovation scientifique et technologique.

Le rôle que notre système d'éducation postsecondaire doit jouer à cet égard est déterminant.

Bref, si l'Ontario doit devenir une force concurrentielle de calibre international, il doit aussi compter sur un système postsecondaire de calibre international qui permettra d'inspirer et de renforcer nos efforts sur la scène internationale.

Finally, I wanted to know if the system could nurture intellectual growth and meet the need for technological change while maintaining and fostering a commitment to excellence.

The requirement to wed the imperatives of excellence and change must be central in the evolution of our post-secondary system. Change, divorced from excellence, is like a spinning top: there is a lot of activity but little sense of direction or purpose.

Upon completion of my first round of visits, I felt both concern and enthusiasm for our post-secondary system. Let me first address my reasons for concern.

Everywhere I looked, I saw the effects of a decade of underfunding. In the college system, which had recently suffered its first faculty strike, I saw the demoralizing effects of the excessive faculty work load of which I had read in the Skolnik report. I also witnessed the polarizing effects of fundamental disagreements over college governance, problems that Professor Skolnik also discussed at some length in his report.

In the university sector I saw a need for the infusion of new faculty who would energize and revitalize our institutions. I also saw many young, bright scholars who had little opportunity or hope of becoming part of the system and thereby imparting their knowledge and their expertise to a new generation of scholars.

In both sides of the system I witnessed overcrowded classrooms, equipment that was obsolete or that had fallen into disrepair, libraries that were in desperate need of new acquisitions and buildings that required repair or replacement.

I encountered a student assistance program diluted by the effects of inflation and the demands of a growing clientele to the point where its ability to reflect real student costs or real student resources was seriously in doubt.

Yet, as I mentioned earlier, I also felt a sense of enthusiasm about what I saw. In spite of the obstacles and barriers and the lack of substantive support by previous governments, I saw faculty willing and eager to teach and students willing and eager to learn. I also encountered support staff with a fierce commitment and loyalty to their institutions and to the missions in which they played such a vital part. I saw administrators

who recognized the need to have the post-secondary system operate as a system and not as a disparate set of competitive fiefdoms.

I saw a strong belief in the life-long value of a liberal arts education, which endured despite ill-conceived and narrow-sighted attacks that have no more validity today than they did half a millennium ago when they were first launched.

I saw an equal commitment to the importance of basic research and of applied research and development in enhancing Ontario's competitive position, and a philosophic commitment to research and development that was, in many ways, stronger than the financial commitment of government and industry to such activity.

In essence, I saw a post-secondary system that in many ways was like a spirited thoroughbred horse whose feet were chained and whose neck was roped to a post. The restraints were strong, but the desire and ability to race towards excellence were still there. I saw the opportunity for government to remove the bonds and shackles and resume the pursuit of excellence.

On the basis of my firsthand view of the state of our post-secondary system, I introduced a number of initiatives to strengthen and develop the potential of our colleges and universities. Some of those initiatives were, by intention, short term, but other initiatives either were long term in nature or laid the foundation for future comprehensive rebuilding.

En octobre 1985, le trésorier (M. Nixon) et moi-même informons l'Assemblée législative de la décision du gouvernement de créer deux fonds d'excellence, en y consacrant une somme de \$80 millions. En plus de fournir un financement des dépenses d'immobilisation de \$9.8 millions, le Fonds pour l'excellence dans les universités consacrera \$50 millions au cours de l'exercice 1986-1987 à la mise à jour des bibliothèques, à la modernisation de l'équipement pédagogique, à l'aménagement de laboratoires spécialisés, à l'achat de matériel scientifique et d'ordinateurs de conception récente et à la nomination de nouveaux professeurs.

Le Fonds pour l'excellence dans les collèges consacrera \$10 millions à l'achat d'équipement pédagogique, en plus d'une somme de \$10.2 millions qui servira à financer des dépenses d'immobilisation qui permettront de rénover ou d'agrandir des installations d'enseignement.

16:20

In January 1986, I announced the details of an eight per cent enrichment in funding for the Ontario student assistance program that will increase the amount allocated to the program in

1986-87 to \$145.8 million. The additional funds are being targeted towards students from low-income families, married students, part-time students and is providing an increase in the educational, personal and living allowances for all OSAP recipients.

In response to the problems of college faculty work load, highlighted by the Skolnik report, I and my officials urged the Ontario Council of Regents and the Ontario Public Service Employees Union to include the issue of faculty work load at the bargaining table. I will have more to say with respect to the results of this very fruitful initiative in a few moments.

In response to another very serious concern raised by Professor Skolnik, in December 1985 I appointed a special adviser, Walter Pitman, to make recommendations with respect to the governance of the colleges and the college system in general. Mr. Pitman, following extensive consultation with members of boards of governors, college presidents, administrators, faculty, support staff, students and other interested individuals and groups, submitted his report to me in early June. Several thousand copies of the report were printed and distributed to a wide range of interested parties. The deadline for submission of responses to Mr. Pitman's recommendation was September 30. I am now in the process of reviewing and evaluating responses to the Pitman report with my officials.

To facilitate accessibility to post-secondary institutions by traditionally underrepresented groups, I introduced a program of support services for deaf and hard-of-hearing students. In conjunction with the Canadian Hearing Society, the ministry is supplying sign language or oral interpreters, note takers and amplification devices for hearing-impaired students attending universities, colleges and approved private vocational schools. The program is being phased in over a five-year period at a total cost of \$500,000. Since the program began last winter, 27 students and 13 different institutions have benefited from these services.

Although the initiatives outlined above are significant and substantive, they represented but the first step along the path leading to the revitalization of Ontario's post-secondary system.

Since my last estimates in January, I have introduced a number of new initiatives directed towards a comprehensive program of long-term renewal. Of primary importance has been the need for an infusion of new faculty in both the university and college systems. It is my firm

belief that excellence in both teaching and research is dependent upon the talent and creativity within our institutions and that a consistent flow of new faculty into the system is vital to the instructional quality and adaptability of our institutions.

It is also my belief that we must provide employment opportunities for a new generation of Canadian scholars, particularly women, who traditionally have been underrepresented in the post-secondary sector despite constituting an increasing percentage of doctoral degree holders.

On May 26, I announced a commitment of \$84 million in constant 1986 dollars to the multi-year university faculty renewal program. This initiative will support the appointment of 500 new faculty members over a five-year period. I and my officials foresee the appointment of 300 new faculty members during the first two years of the program; followed by 70 in 1988-89, 70 in 1989-90 and 60 in 1990-91. Each appointment will be supported for a five-year period.

In the first year of the program, funds are being allocated to the universities based on a formula. In subsequent years, each university will be required to submit a faculty renewal plan that will set out how the institution intends to use the funds to further the program's goals, particularly with respect to increasing the percentage of women faculty members.

I believe this multimillion-dollar program clearly reflects this government's determination to give our institutions the support they require on a long-term basis.

Another manifestation of this commitment took place on May 19, 1986, when I announced an increase of \$60 million to the 1986-87 college operating grant. This substantial increase in funds will assist the colleges to implement the terms and the intent of the negotiated agreement between the Ontario Council of Regents for Colleges of Applied Arts and Technology and the Ontario Public Service Employees Union. The \$60 million brings the year-over-year increment in provincial operating support for the colleges to 21.6 per cent.

The agreement, which was signed on May 22, contains new work load provisions that will result in more contact between teachers and students and provide greater opportunities for faculty members to keep abreast of new developments in their fields. The additional funds will also place colleges in a position to hire a substantial number of new faculty members. These hirings will provide new opportunities for

women and should accelerate the rate of hiring of women faculty members in the colleges.

I would like to touch upon one further provision in the agreement that will also have positive results for women. Historically, a nursing faculty, 96 per cent of whom are women, have been required to teach more hours than any other faculty in post-secondary programs. I am pleased to report that the new work load provisions remove that discrimination.

While these two major faculty-related initiatives will go a long way towards promoting excellence in teaching and excellence in research in our post-secondary sector, I and my ministry are aware that such excellence cannot flourish in an atmosphere circumscribed by a deteriorating physical plant.

On March 26, 1986, I announced the establishment of a university renovation fund, to which \$9 million has been allocated in 1986-87. In addition to that, my ministry has committed \$5 million in 1986-87 as the first step towards supporting 10 major renovation, alteration and new construction projects on Ontario university campuses. The province will ultimately contribute \$24 million, or approximately two thirds, of the total cost of these projects.

These contributions will include \$5.4 million towards construction of new facilities for arts and social sciences at Wilfred Laurier University, \$4.3 million towards a consolidation and expansion of facilities for fine arts at York University, \$4.4 million towards a one-floor addition and ventilation system overhaul for Laurentian University's Science 1 building and \$4 million towards an expansion and renovation of the faculty of law library at the University of Toronto.

To strengthen Ontario's competitiveness in leading-edge research, I announced on April 3 a grant of \$10 million to the University of Toronto to assist in the acquisition and installation of a Cray supercomputer. The supercomputer facility will serve researchers in many different disciplines, from medical and engineering scientists to astronomers and atmospheric physicists. This supercomputer will be used to enhance the research capacity of all Ontario universities as the facility will be a resource available to all Ontario researchers, not just those at the University of Toronto.

On August 6, 1986, I was pleased to announce a \$30-million grant to the University of Toronto to be applied towards the construction of a \$46.1-million earth science centre. The new centre will replace obsolete facilities that are

inappropriate for the University of Toronto's world-class work in forestry, geology and botany. In conjunction with the establishment of the earth science centre, an agreement was reached by the University of Toronto, Lakehead University, Laurentian University and the Ontario geological survey to develop and strengthen linkages between the academic and scientific programs in forestry and geology now carried out by the four institutions.

Obviously, these commitments to capital funding are only the beginning of the long-term process of capital renewal. I look forward to announcing how we intend to build on these initiatives in the coming months.

16:30

Another reflection of our determination to bring our post-secondary system on line with current and future needs has been the development of a new policy with respect to admissions to programs of instruction in our colleges of applied arts and technology. The new policy represents the culmination of two years of co-operative effort by my ministry, the colleges and a wide range of other interested parties, including the Ontario Secondary School Principals' Council and the Ontario Council of Regents.

The policy recognizes that today's college applicants have diverse goals, backgrounds, aptitudes and abilities, all of which must be innovatively accommodated. In addition, the policy protects against academic elitism in the college sector and generally prohibits the use of regional priority and random selection as a means of determining admission to college programs.

The policy will govern the admission of students entering college programs commencing September 1, 1988. To meet this target date, an admissions policy review committee and a college admissions review committee have been established to oversee the administration and implementation of the policy.

Meeting new and changing student needs, however, is not simply a question of revamping procedures. It is also a question of access.

As I stated earlier, the Ontario student assistance program has long stood in need of review and updating to ensure its continuing relevance to contemporary student needs. Officials of my ministry are in the process of reviewing program criteria and levels of costs and allowances to enhance the ability of the program to meet the objective of promoting accessibility to post-secondary education. Based on the results of that review, appropriate

modifications to the program are being developed.

We are also reviewing the delivery mechanism for OSAP to find ways of improving the quality and timing of the service provided to students. As members of this committee are aware, and as I am aware from your letters and the many letters of concern from students and their parents, this is an issue of some significance.

Nous sommes aussi conscients du fait que l'accès à l'éducation postsecondaire, en Ontario, est bien plus qu'une simple question monétaire.

Comme je l'ai signalé dans ma dernière allocation sur les prévisions budgétaires, le volume II du rapport du Conseil de l'éducation franco-ontarienne, intitulé Education et besoins des Franco-Ontariens, démontre de façon éclatante l'insuffisance des moyens mis à la disposition des Franco-Ontariens qui souhaitent effectuer des études postsecondaires. Une grande partie des constatations contenues dans ce rapport sont inquiétantes, y compris celle stipulant qu'une proportion moins élevée de Franco-Ontariens poursuivent des études postsecondaires en comparaison des non-francophones.

A la suite de la présentation de ce rapport, j'ai créé un comité de travail interne composé de représentants du ministère des Collèges et Universités et du ministère de la Formation professionnelle. Ce comité est chargé d'analyser le rapport, d'évaluer l'état de disponibilité des programmes d'enseignement postsecondaire pour les Franco-Ontariens et de soumettre des recommandations. Le rapport du comité fait présentement l'objet d'une étude en vue de trouver les moyens les plus efficaces de résoudre ce problème très important.

A titre de mesure temporaire, j'ai augmenté de 20 pour cent, par rapport à l'an dernier, les subventions qui ne sont pas calculées selon une formule, à l'intention des universités bilingues pour 1986-1987. Ces subventions devront être consacrées au développement et à la mise sur pied de programmes d'études et de cours en français.

I would also note that on May 1, 1986, my colleague the Minister of Municipal Affairs (Mr. Grandmaître) presented to the Legislature an act to provide for French-language services in the government of Ontario. This act entitles the public to communicate with and receive available services from government agencies in French. Once it is enacted, Bill 8 will, I believe, add a further base for enhancing opportunities for Franco-Ontariens to study in the French language in this province.

As I indicated earlier, accessibility is a very complex issue involving many factors. One such factor is geography. We must develop innovative approaches to extending Ontario's education network to provide learning opportunities to those in the most distant corners of the province.

As was indicated in the speech from the throne, a major project in northern Ontario will be undertaken to expand the use of new technologies in delivering distance education to remote communities. This project will build on the clear potential for developing these technologies locally. Officials of my ministry are currently working with the northern post-secondary institutions and with officials of related ministries in planning the implementation of this project.

Meeting the unique needs of northern Ontario is a responsibility that must be shared by all segments of government. On July 30, the Premier announced the establishment of \$1-million chair in rock mechanics and ground control at Laurentian University. The chair will be jointly appointed by Queen's University and Laurentian University.

On September 10, my colleague the Minister of Natural Resources (Mr. Kerrio) announced initiatives totalling \$5.9 million to increase forestry research and development in northern Ontario. The initiatives include a \$4-million Northern Forest Biology Centre to be built by the Ministry of Natural Resources on the campus of Lakehead University and a \$1-million research chair in forest management and policy to be linked with the centre.

I would like to touch upon three further initiatives that are illustrative of my ministry's commitment to enhancing the post-secondary sector's ability to respond to changing social and demographic patterns and to changing economic needs.

As the percentage of our population that is constituted by the elderly continues to grow, there is a need to ensure the availability of competent, caring, skilled professionals who have special knowledge and expertise in the relatively new field of geriatrics.

On June 2, as part of a comprehensive new agenda for addressing the health and social service requirements of Ontario's senior citizens, I announced the government's commitment to establish a multidisciplinary department of geriatrics at an Ontario university health sciences centre.

This department will provide a focus for the development of exemplary clinical services in

conjunction with a regional geriatric unit and related institutional, home care and community services. It will also provide teaching resources for undergraduate and graduate medical, nursing and other professional education programs and will be involved in research related to the elderly. The department is expected to be developed on a phase-in basis, beginning with geriatric medicine in 1987-88, and up to \$1.5 million will be allocated for this initiative in that year.

A second need that our institutions must address is the increasing importance of the service sector in our changing economic mosaic. Of particular concern are the requirements of Ontario's rapidly developing tourism industry.

Towards that end, in his budget statement of May 13, the Treasurer announced the provision of \$2.8 million in capital assistance for new hospitality training facilities. These funds will be directed to the Ontario Hostelry Institute facility at George Brown College and to the Canadian Tourism Management Centre at Georgian College in Barrie.

A third area is international education. As international trade and commerce continue to grow in importance for both Canada and Ontario, post-secondary education will continue to be an important element in our relations with other countries.

In April 1986, pursuant to Ontario's twinning agreement with Jiangsu province in China, an official of my ministry and representatives of the post-secondary system went to Jiangsu to meet with officials of that province. Their mission was twofold: to negotiate an agreement with Jiangsu for the exchange of students and scholars and to gain a broader understanding of Jiangsu higher education institutions to facilitate such exchanges. Discussions were also held with respect to the development of a joint centre of business and international trade.

16:40

The trip to Jiangsu and the return visit to Ontario in late May by two senior educators from that province were very productive, resulting in the Ontario-Jiangsu academic exchange agreement. The agreement, which came into effect on September 1, will foster the exchange of students, faculty and researchers at the post-secondary level.

I believe the many initiatives outlined above, initiatives introduced in just one year, demonstrate in deed what this government promised in word upon taking office a year ago: a commitment to building a world-class post-secondary system.

Let me establish one final point. Rebuilding and revitalizing our post-secondary system means more than just spending more money; it means spending money more wisely. While respecting institutional autonomy, we must carefully target our funds to ensure that provincial priorities with respect to science, technology and innovation are appropriately met. One very high priority is the need to forge stronger links between our post-secondary institutions and industry. As stated in the speech from the throne, Ontario will flourish as an enterprising society when business, labour, educational institutions and government work together to create prosperity and opportunity.

A major step in this direction is the establishment of the Premier's Council, a flagship that will steer Ontario into the forefront of economic leadership and technological innovation. The council will direct a \$1-billion special technology fund that will support, complement and encourage science and technology research in the private sector and post-secondary institutions. The council will direct moneys to business, universities and colleges by way of shared financing. To strengthen the links between institutions and industry, the criteria for the university research incentive fund have been expanded to encourage co-operative research projects with industry. Under the revised program, matching grants will be improved from a one-for-two basis to a one-to-one basis.

Nous sommes enfin très fortunés d'avoir, en Ontario, un système d'éducation postsecondaire dont les possibilités sont illimitées, des établissements qui sont intimement liés à notre recherche de la prospérité intellectuelle et économique. Nos universités sont vouées à la poursuite de l'excellence dans les domaines de l'enseignement et de la recherche. Notre système de collèges est unique et il ne cède le pas à aucun autre en répondant aux besoins de l'industrie et du marché du travail.

In the midst of changing and challenging economic and social conditions, we must strive together to maintain and preserve these institutions as centres of excellence. We must build on the strengths of the past to forge the foundation of the future.

I have said, and I wish to repeat, that in Ontario, whether we like it or not, we are in competition with the rest of the world. We are competing in an intellectual and economic decathlon in which the stakes are nothing short of our livelihood today and the livelihood of our children and grandchildren tomorrow. We have

to recognize and develop what we are good at and perform to the limits of our ability. Training for the intellectual and economic decathlon begins with our education system.

The people and the government of Ontario share a faith in the ability of our post-secondary system to respond to the intellectual and economic challenges at hand. We share a vision of a fit and hardy system that takes pride in performing superbly in many areas and in excelling in others. We share a belief in the potential of our institutions to synergize talent and interest into insight and innovation. By providing funding that is at once adequate and appropriately directed, we can develop our post-secondary system to that fullest potential.

Mr. Chairman: Thank you, Minister. I particularly like some of the metaphors. We often leave metaphors out of these statements; I think it is a real shame. I like the sporting ones in particular. You will look for these things when you sit in the chair.

I will remind members of the audience and the minister, who is about to try to do it, that we do not smoke in social development committee meetings because the chairman has a heart condition and does not allow it.

Hon. Mr. Sorbara: A wise decision; I support it.

Mr. Chairman: The usual members of the committee know that if anyone wishes to smoke, please go outside and do so. I would appreciate it very much.

Mr. McFadden: I am very pleased to have the opportunity to participate today in this committee on the estimates. What I propose to do in my remarks is to deal with the estimates in a general way. In the next few days we will get into the details, item by item.

I notice that in his statement the minister quoted that great, well-known intellectual Yogi Berra. He also had another saying, "It isn't over until it's over." I guess we are just beginning here on this whole question of university funding.

Hon. Mr. Sorbara: I am waiting for a word of wisdom from Roger Clemens, but it has not come out yet.

Mr. McFadden: He lets his pitching do his talking, I guess.

Hon. Mr. Sorbara: Sorry to interrupt your pitch.

Mr. McFadden: We live in an information-based society, as the minister has pointed out. Yet, ironically, the role of post-secondary education is generally misunderstood and under-

estimated by people throughout the province. The public generally does not appreciate the importance of our colleges and universities to the future wellbeing of our province and how intimately related our college and university system is to the survival of our country economically.

Traditionally, Ontario has relied heavily on the resource sector and most recently on manufacturing as the engines for economic growth and development. With the rapid growth of the Third World as a source of cheap raw materials and the emergence of the Pacific Rim as an industrial giant, we will be facing very fierce competition in both of these sectors in the years to come, likely with major impacts on our work force. Canada cannot compete with emerging economies on the basis of labour costs. We must constantly search for better and more efficient methods of production to meet the challenges posed by our competitors throughout the world. As a high-income society, our future will depend upon a very skilled work force backed by the most advanced technologies available.

The May 21, 1986, issue of the Chronicle of Higher Education contained a report of the Carnegie Forum on Education and the Economy's Task Force on Teaching as a Profession. This report summarized very forcefully the education needs of students, both as workers and as citizens in the United States, which I think applies equally to Canada as well. This report stated: "Students will not come to the work place knowing all they have to know but knowing how to figure out what they need to know, where to get it and how to make meaning out of it. Even more important, if this country is to remain true to itself, our children should grow up to be humane and caring people, imbued with a set of values that enables them to use their skills in the service of the highest goals of the larger society."

While science and technology are vital disciplines to be strengthened for our country's economic development, I find there is a dangerous and growing tendency to downgrade the importance of the arts. An understanding of history and of our political and social institutions and an appreciation of such subjects as literature, music, sociology and philosophy are essential in a democratic society, which requires an intellectually well-rounded population. There is an increasing recognition in the business community and elsewhere that inquiring minds and achievement in virtually any area of study, not just certain preselected areas, are what ultimately

will count in enhancing the strength, vitality and competitiveness of our country.

16:50

It is then folly, I suggest, for government in such a rapidly changing world to presume to direct universities in a very defined way into specific areas of study or specialization. Government properly should create a favourable environment in which intellectual growth and excellence can be achieved in higher education. From there, the colleges and universities should have the necessary autonomy to develop in their own ways in response to the capabilities of each institution and the needs and demands of the society around them. Central government planning seldom, if ever, creates a vibrant academic community.

Funding is a major challenge for post-secondary education. In the past, government spending on higher education was considered to be spending from the social envelope. As we move to a high-tech, information-based economy, government spending on higher education must be viewed as coming from both the social and the economic development spending envelopes. As institutions of higher learning assume a crucial and expanding function as engines of economic growth, there must be a corresponding increase in post-secondary funding to enable these institutions to fulfil this added mandate.

In the US, spending by both state and federal governments on higher education has increased very substantially over the past several years. During the past two years, American states have increased post-secondary education funding by 19 per cent. California and Massachusetts, each home to many of the top American universities and colleges, have raised university funding by 31 per cent during the same two years. As well, the Reagan administration, not known for its economic largess, has increased very significantly federal aid to universities.

Only a long-term increase above the rate of inflation of operating grants will enable universities to meet their current financial difficulties. The provincial government should make clear its future strategy with regard to operating grants for post-secondary education. If the government does not intend to keep what emerged as election promises with regard to operating grants, if the resources are not available or if the will is perhaps lacking, I hope the government will be forthcoming now and say so.

Instead of adequately increasing the level of operating grants, the provincial government has created during the past year the excellence fund

and other funds. While the excellence fund has some major merits for the university and college system, it is no substitute for adequate operating grants. In fact, the excellence fund creates a real question about university autonomy. Institutions will be inclined—and I have talked to a number of people on the campuses who have mentioned this to me—to refrain from criticizing government policy, for example, fearing that such criticism could cost them money from the specially targeted funds.

The current mix of low operating grants and the excellence fund have turned the universities, to a disturbing extent I suggest, into suppliants seeking funds and the Minister of Colleges and Universities and other ministers into candy men who move through the province from campus to campus distributing goodies.

I am curious to know who determines the spending priorities for the excellence fund. Is it a panel of respected academics which awards grants on the basis of specific criteria or excellence? Is it government officials within the ministry or, for that matter, advisers of the Premier (Mr. Peterson) who may wish to dispense these funds throughout the province in a certain fashion? I would like to recommend to the minister that he consider establishing, for both the college and the university systems, grants councils comprised of respected academics, administrators and people from the community who would be responsible for the allocation of the funds provided, either in the excellence fund or any other fund, on the basis of fixed and recognized criteria.

The anxiety created in the colleges and universities by the provision of inadequate operating grants and the development of targeted funding has been heightened by the proposals for post-secondary education contained in the most recent speech from the throne. The speech from the throne talked about "determining the areas of specialty universities can master and the avoidance of unnecessary program duplication." The speech from the throne went on to say the "government will support excellence through appropriate funding and measures directed towards institutional accountability."

These proposals would appear to be an attack on university autonomy. Who is going to decide what specialties a university can master? What is the definition of "unnecessary program duplication"? Given the insensitive and rather misguided decision of the government to transfer the Ontario Institute for Studies in Education to the University of Toronto in the name of eliminating

duplication, where in fact no duplication has been found to exist, the university committee has a great deal to worry about if the current government goes ahead with this kind of policy proposal.

How is the government proposing to support excellence through "measures directed towards institutional accountability"? Is the government suggesting the universities have been irresponsible or profligate with their finances or with the kinds of programs they are offering to the students? Who is going to be charged with the policing of this accountability and what standards will be applied to our post-secondary institutions to determine accountability?

In my view, these proposals forewarn an approach of the current government that could lead to a major increase in central planning and direction of post-secondary education by the Ministry of Colleges and Universities or perhaps more probably by the Treasurer (Mr. Nixon). I would submit that far from encouraging excellence, this kind of policy thrust will stultify the essential elements for creating excellence in higher education: freedom of thought, independence of action and originality of approach. I would urge the government to rethink the approach set out in the speech from the throne on those matters.

I would now like to turn to the issue of accessibility. It is important that tuition fees for qualified students do not become a barrier to accessibility. I, for one, would never have gone through university if it had not been for student assistance, and that included loans that took me about 10 years to pay off. In 1982, I managed to pay off the last of my loans to the bank.

Hon. Mr. Sorbara: That is not our information.

Mr. McFadden: Oh, is it not?

Mr. Chairman: I wondered when you guys were going to start retaliating.

Mr. McFadden: You have been checking into my file, eh? I thought I had hidden it.

My party has always supported the principle that no qualified student should be prevented from attending a post-secondary educational institution for financial reasons.

Accessibility may be threatened by the growth of ancillary fees and some of the weaknesses in the Ontario student assistance program. This erosion of accessibility has a most direct impact upon the participation of women, francophones and northern Ontarians. OSAP needs to be revamped in order to preserve accessibility. The grant/loan mix needs to be restructured so that

students are not faced with large debts, especially when employment prospects for many graduates are uncertain in the current economy. It is important that OSAP's deductions for allowable costs be changed to more accurately reflect individual circumstances.

Housing is a major concern for many students, in particular those attending school in large urban centres with low apartment vacancy rates. OSAP must reflect the high cost of housing for students, particularly in Toronto and Ottawa, and special provisions should be made to cover the additional living costs of students in those high-cost areas. Student roomers, boarders and lodgers must receive greater security of tenure. Currently, these students receive little or no protection under the law. In addition, there is a very clear need for an increase in the supply of student housing.

17:00

As I stated at the outset of my remarks, the province faces many challenges in the near future, and our post-secondary education system will play an increasingly critical role in helping us to meet these challenges. We must realistically assess our current situation and carefully plan for our future. It is important that the province be forthright about its long-term funding commitments in order that the post-secondary education community can plan its affairs accordingly and effectively.

Mr. Allen: It is a pleasure to be here with the committee once more, where we have sat so often in the recent past. I see some familiar faces who were part of recent exercises that we all went through. I was not a critic at the time of the minister's first estimates, but it is a pleasure to be here with him in our committee today and to begin the review of the estimates of his ministry.

C'est aussi un plaisir d'écouter la belle langue que parle le ministre. Il parle bien le français et c'est possible lors de nos débats, de temps en temps, de parler cette langue et de lui faire nos propositions dans la langue de nos compatriotes.

May I say with respect to the announcements of the minister today in his lengthy introductory statement, that it brims with geniality and fine sentiment, philosophical observation and also the written wisdom of popular culture. All of that has made interesting listening and interesting reading.

I appreciate the remarks of my Conservative counterpart, which had a certain precision that is characteristic of him and of his attention to the large strategic questions that overhang this whole issue.

May I say with respect to the minister, his statement and the context in which it was delivered, that it rang with some of the notes of a remark he made before another committee looking into the issue of the University of Toronto versus the Ontario Institute for Studies in Education, a matter with which we are all rather familiar and which we hope will be resolved within the near future. At that time, he suggested that perhaps the committee should leave it all in the hands of a benevolent minister.

I detect in his statement today a good deal of benevolence with respect to the university, a number of proposals for the future and a reference to some initiatives of the recent past, for which both the university system and I are grateful and do not find in them a lot to criticize, at least to the extent that they do extend the funding of the system in a number of respects into operating areas and into capital grants, research moneys and what have you.

May I start out, however, with regard to some of the larger and more grandly framed statements at the beginning of the minister's statement. I think it is true that we are moving from an old economy based on the extraction of natural resources. Perhaps nowhere in the world more than in Canada are we moving from that kind of economy to something else. If we are moving in the direction of an economy that, to use the ugly phrase he used and with which I have never been very comfortable, depends on human resources, then from my perspective, to deal with matters involving humanity as though humans were resources in the enterprise and not the end and purpose of the enterprise raises a very fundamental question.

To speak of human beings as resources suggests to me that there are some other human beings or some other intelligences that somehow are reaching into the common mass of humanity and utilizing some of them for certain purposes that they do not necessarily themselves subscribe to. In that respect, I commend, not only to the minister but also to the committee and to all who are listening, a book by William Leiss called *The Domination of Nature*. He outlines how very easy it is for us to speak about moving in the direction of mastering our circumstances, no longer in terms of mastering nature but now in terms of mastering other resources that are available to us.

What one ends up with is the domination of man by man, so that the prospectus from the point of view of the pattern we have used in the past, perhaps most of all in this country, of

exploiting the natural resource base of the old economy, too easily could become foreshadowed even in the language we use today by a strategy that would be no less exploitive of humans than was the past economy of the natural order.

This is something we need to bear in mind as we discuss the estimates for the university system of this province. If there is any institution in our society that tells us human beings are not simply resources, not units to be mobilized for some economic plan or grand design, that institution is the university system. The other thing I would bring into the struggle at that point would be the churches, where the emphasis is on the spirit of mankind and not on his utility as a being, although I hasten to say that religions and religious enterprises have utilized people very much as things to be manipulated in their own way for their own ends.

I repeat that it is important to keep this in mind at this time when we are engaging in a review of the university system. I was very disturbed by the speech from the throne, when the Premier remarked that it was perhaps time now to move in the direction of economic and scientific studies, enterprises, research and what have you to enable us to tackle the economic objectives we have before us. In the course of making those remarks and in responding to reporters, he observed that perhaps we cannot do all things any more, that perhaps it will be necessary for us not to highlight the humanities and the liberal arts so much, and that perhaps we will have to focus ourselves in other directions at this time to achieve more immediate goals.

He referred to the humanities and the liberal arts as studies that pertain to the gentler side of life, as though somehow there was no steel or rigour or toughness in the humanistic considerations we need to bring to bear on the problems that lie before us, so that somehow without reference to them, or by casually putting them somewhat to one side, we will be able as a province to meet the great economic issues that lie before us.

17:10

Surely if there is ever a time when the humanities need to be stressed, it is at a time—I am sure the minister agrees—when we face large challenges which are scientific, economic, physical, etc. We cannot afford to minimize or to qualify the undertakings that take place in the humanities, social sciences and the fine arts at a time when we enter the crisis of international competition to which he so eloquently referred.

With respect to his suggestion that it is important to move on a number of fronts to make up for the deficits of the past in university funding, I have been troubled in the course of the past year about the posture the Treasurer himself has taken with respect to issues relating to the post-secondary level of education and to its funding and its future organization.

On several occasions in the debate over the OISE issue, language which I found terribly reminiscent of a previous regime and a previous Minister of Education, language of rationalizing the system, of overcoming duplication and of restructuring, all seemed to come flooding back too easily. It was as though we were somehow or other caught in a revolving door in terms of government vis-à-vis the university system, and as though we had not gone through a major exercise in sectoral planning, for example, in the universities. There was an attempt in the university system to deal with that whole issue of duplication, rationalization, etc. The limits were very quickly found in terms of what could be accomplished in that respect.

With regard to the OISE issue itself, we found how easy it was to use the language of duplication casually, but not really to mean anything by it except to ring off a phrase that would sound very nice in the public's ear and make one think that one was being very economically and, let us use the term, fiscally conservative.

As the minister goes to the planning and priorities meeting this afternoon, I suspect—and I hope I am not true—that he will have his work cut out for him as he confronts the Treasurer, who to date in many respects has shouldered the burdens of the Treasury remarkably well and in a very evenhanded way, but in other respects has shown some reason to give us concern.

I will turn to some of the general issues we confront in the whole area of the ministry and will speak a little more specifically about funding issues in the immediate past and in the future. I will focus somewhat upon the faculty renewal fund and some of the ministry's research initiatives with respect to some of the problems I feel we have to anticipate in those areas and that are perhaps already present in some respect in those fields.

I was especially upset at the direction the ministry took when, in its primary response to funding the university system, it reverted to what was essentially the pattern of the previous Conservative government in avoiding the question of operating funds, of grant levels, core

funding and those types of questions and preferred to dip into aspects of the operational and capital fund departments to pull out what really could only be called attractive items that might be fairly saleable in the public, to gain some attention and make it appear as if it was doing something substantial about the system, while the main issue was really left on the sidelines.

I realize that, being new to government and having to get a handle on all that, perhaps that was the easiest thing to do, but I think it did establish an initial precedent which I hope will not be followed by this government.

Matters such as library acquisitions, equipment updating, renovation funding and so on will be made a central and integral part of the proper funds that go to fund the system on an operational and capital basis. For one thing, it makes it extremely awkward for the universities to have certain aspects of those funds, and therefore their operations, fiddled with in that fashion. It just redoubles the problem of operational planning in the university system. It makes it extremely awkward to predict where the government will pounce next and therefore to balance out the operation within the walls of the university. Quite apart from the political tactics that might be appealing in using that approach, it is certainly counterproductive for the university system to do that.

Turning to the excellence fund, it brought some new money into the system, or at least it gave the appearance of bringing some new money into the system, because it is difficult to know what one would have done with operating grants if one had taken that other route and funded them in some other way.

The quantities in the excellence fund were not in a basic sense add-ons, which was conveyed by the very word "excellence." "Excellence" suggested there was a well-run system out there that was adequately funded and the government was topping up on top of that and ensuring that the last ounce of energy was going to be elicited from the system by these additional moneys. It would push us over the top into an excellence that had presumably been lacking heretofore. The scale of the money obviously made that impossible as did the fact that what was happening was partially making up some past deficits.

As long as three years ago, in the presentation of the Council of Ontario Universities to the then minister with regard to the needs in terms of library acquisitions and equipment renewal, the council said a rational program to embark on

renewal in those respects would cost about \$51 million. Three years later, we are presented with an excellence fund which in the first instance amounted to roughly that order of money for the universities. Therefore, one is not talking of topping up but of making up for past losses.

We all know that the division of those moneys, \$25 million, \$10 million and \$15 million, and the three portfolios they were to go to only made a decent start at tackling the library acquisition deficiency, which is enormous if one goes back to the level of purchases of 1971-72, let alone tackling the problem of equipment obsolescence in our laboratories or acquiring state-of-the-art computers, to use your language, which is an immensely costly undertaking.

With respect to the renovation side of the grants you awarded this year, they clearly helped. You targeted some very useful projects in the course of doing that. But at that time you did not say, and you have not stated in your statement today, that you are prepared to embark on a rational program to establish a formula such as Bovey suggested, which is necessary to maintain the \$3.5-billion plant out there on an ongoing basis. Bovey indicated that any rational businessman in the business world who had a plant like that would be committing one per cent of the replacement cost annually to make certain that capital plant did not deteriorate. I did not hear any reference to your intent to move in that direction.

I would like to hear from you whether that kind of plan is afoot, because that is the only way in which you will overcome the piecemeal, ad hoc response to the universities at that level, leaving them always in the role of beggars in a sense. The moment we get into targeted grants on an ad hoc basis, you are putting the universities in the position of begging.

17:20

Let me come specifically to the faculty renewal program. The \$82 million to provide 500 faculty staged as you indicated, is something the universities have been waiting for and hoping would flow from the Bovey report, but that report got stalemated some time back. Despite my exchange of letters with you and your officials on the question of this fund and how it was allocated, I remain somewhat puzzled by the ability of \$82 million to do what Bovey said would take \$152 million to accomplish.

I have a number of problems that relate to both the apparent tactics and objectives and some of the criteria that are being built into it. I suggest these are contradictory. For example, the \$82

million is apparently calculated on the basis of an average figure for the lower ranks of the professoriate in the universities, somewhere at the \$28,000 level. Clearly, the fund does not anticipate that these will be new positions in the sense that they will be additional faculty for the system or that there will be any need for add-on of support staff or additional equipment related to those appointments.

The problem with the money comes into play when I note that one of the major objectives you had with respect to the faculty renewal program was that you intended to use it to address the need for the universities to be more adequately geared up to respond to the economic needs of the province and the strategic economic planning of the government. I submit to you that if that is the intent and you want to bring the universities into play more adequately with respect to those objectives, you are not talking about junior beginning faculty, you are talking about faculty in mid-career who have a major contribution to make at that level and who will be more costly than you suggest.

The second aspect of the criteria, which are still very vague and which many of the institutions are finding it very difficult to come to terms with in knowing exactly what the ministry expects with regard to the faculty renewal appointments, is that if the objective is somehow to beef up science and engineering in particular, to meet those strategic objectives in the university system that you, the Premier and the cabinet wish to address, you have a major problem with another criterion, which runs in the direction of affirmative action and finding more positions for women in the university system. It is precisely in the sciences and engineering that the number of available women to fill faculty posts is in short supply.

It will be very difficult for you to meet both those objectives at one and the same time. That puts the universities in a very difficult bind as to which one you want them to follow most and therefore where you want them to put their resources. If they go after women appointments to engage in a much-needed and long-needed affirmative action program within the universities, they are not going to be in sciences and engineering. If the appointments are going to be in sciences and engineering, they will not involve affirmative action. You have a major problem there which needs very careful attention on your part. It means the guidelines need to be clarified and perhaps made more practical in a number of respects.

With respect to the requirement that the names of persons being contemplated for appointment in the universities under the faculty renewal fund be forwarded to the ministry, I hope that practice is, in the wake of some recent editorial comment, no longer being insisted upon by the minister. I hope that requirement was an oversight on the part of the minister with respect to the civil liberties aspects of that whole issue and its implications for university autonomy.

For the universities ever to have to submit the actual names of appointees to any academic program in any sector of the university to the government is a major affront to academic freedom and to the proper functioning of a democratic system. It opens the way for all kinds of abuse and interference that none of us should tolerate. As I said, I hope that it was an oversight, that the practice has stopped and that if it has not, universities will be told immediately that they will not be required to follow that guideline.

I see the minister's official looking at his watch. Signal me when you want to leave, and if you want me to—

Hon. Mr. Sorbara: I believe 5:30 is a rough guesstimate. If you have another 30 minutes to go, we can signal you, but I do not know how much longer you have.

Mr. Allen: I have some more things to comment on.

Mr. Chairman: Mr. Allen, there are two points. One would be that you may wish to continue this on Monday.

Mr. Allen: Perhaps I can finish my remarks on the faculty renewal fund, on which I have one more item, and then we can round it off and come back to the other issues.

Mr. Chairman: That will be fine.

Mr. Allen: The point I have just made dovetails very closely with some of the remarks of the Conservative critic, who is very concerned that some of the initiatives the government is contemplating in general with respect to univer-

sities raise some very serious questions about universities governance, autonomy and so on. I will let that point go for now, but I want to underscore what he said in that regard.

The final point I want to make with respect to the faculty renewal fund is that a somewhat alarming process is happening in the universities in the way in which the positions are being utilized. What tends to be happening in a number of universities is that existing senior tenure track positions are being decommissioned, while younger faculty on contract are being brought into new appointments but are not being brought into tenure track or long-term positions.

What appears to be happening is that the universities are seeking to use the faculty renewal fund as a way of securing a degree of internal budgeting flexibility that gets them around some of the problems they have felt in the past with regard to tenure, without our engaging in a significant and serious debate about the tenure question itself. Before we proceed any farther down that road, it is important for us to have that debate within the universities and here at the Legislature and to know where we are going and what the significance of that kind of strategy is in the universities. It is serious and it deserves our attention.

Mr. Chairman: We will reconvene on Monday at orders of the day and continue with Mr. Allen's opening statement. Mr. Warner, as the New Democratic Party critic for colleges, has indicated he would like a few minutes. Then we will go to the minister's response and then to the first vote and item.

Unless there is another matter, the committee is adjourned until Monday.

Mr. McFadden: Monday at 3:30?

Mr. Chairman: At 3:30 or 4 p.m.—orders of the day.

The committee adjourned at 5:29 p.m.

CONTENTS**Thursday, October 16, 1986**

Opening statements: Hon. Mr. Sorbara	S-532
Mr. McFadden	S-53801
Mr. Allen	S-540
Adjournment	S-544

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
Cousens, W. D. (York Centre PC)
Johnston, R. F., Chairman (Scarborough West NDP)
McFadden, D. J. (Eglinton PC)

Witness:

From the Ministry of Colleges and Universities:

Sorbara, Hon. G. S., Minister of Colleges and Universities and Minister of Skills Development
(York North L)



No. S-23

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development
Estimates, Ministry of Colleges and Universities

Second Session, 33rd Parliament
Monday, October 20, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: C. L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Monday, October 20, 1986

The committee met at 4 p.m. in committee room 1.

ESTIMATES, MINISTRY OF COLLEGES AND UNIVERSITIES (continued)

Mr. Chairman: We are still on the opening statements of the critics.

I want to raise with you a timetabling concern that has been mentioned by the two opposition critics for the Ministry of Skills Development. If we start at 4 p.m. on each of the next few days, we should finish these estimates on Thursday afternoon with half an hour or so to spare, but no more than that. That would mean we would normally move into Skills Development starting next Monday, with leadoff statements at that point.

I hoped Mr. Jackson would be here. He said he would be. I had a request from him that we not start on October 27. That is a particularly bad day for him. You can explain, Mr. Warner, the delay of your presentation. Would you speak to it?

Mr. Warner: Along with one Conservative and one Liberal, I am attending the Commonwealth Parliamentary Association conference in Prince Edward Island on Sunday through Wednesday. Just to make it clear, my absence should not deter the committee from dealing with the estimates. All I request is that I be allotted approximately two hours out of the 10 and save it for Thursday. The committee normally sits Monday, Tuesday and Thursday. That would fit within the 10 allocated hours.

Mr. McFadden: We have only eight hours. Are you talking about Skills Development?

Mr. Warner: Skills Development.

Mr. Chairman: There are 10 hours in Skills Development.

Mr. Warner: As far as I am concerned, you can start on Monday. My absence does not signify I am displeased with the minister, with the program or anything like that. It is my fault. I will have to miss the opening remarks and so on and I will have to catch up on Hansard when I come back, which I am prepared to do.

Mr. Chairman: It seems to me that is less of a difficulty for us than the absence of both critics when the minister makes a statement. Since we

are giving notice now, perhaps between yourselves, either through the House leaders or just by discussing this, you might come back with a recommendation on how we handle this in total, because it causes us some difficulties next week. Perhaps tomorrow we can be advised. Everybody has caucus meetings tomorrow, do they not? You can have some discussion about what we will do on this. If it is a matter of shifting estimates that will cause implications for other ministers as well as for Mr. Sorbara. We should know as soon as possible about this.

Mr. Allen, you had the floor with your opening response.

Mr. Allen: I think about another 10 or 15 minutes perhaps should see me through.

It was with a very small amount of pleasure, I guess, that one heard the Treasurer (Mr. Nixon) on our last day in the House say there would be more money for the university system. On the other hand, it was extremely disappointing to hear him indicate quite definitely that the system would not receive a minimum of \$170 million, which would bring it close, but I hasten to say not exactly abreast of the national average for the country in terms of per student expenditure on the system. That is getting to be a slightly dated figure, although I am still using it as a kind of base minimum from which to work.

I believe we all need to keep very consciously in our minds that the system has for the last half dozen years fallen a minimum of \$700 million short of where it would be by any standard of comparison with the other provinces or even the maintenance of provincial expenditure levels in real dollar terms as of about 1977-78.

When we look at the various aspects of that problem, it becomes clear that as we move from indicator to indicator, the issue becomes increasingly an enormity. On one hand, we use the per student expenditure, to which you just referred, but if we move to per capita, we are up to \$233 million short of the average. If we move to per \$1,000 of provincial income and use the basis of the wealth of the province and the gross national product that is available, we find ourselves with a \$450-million gap.

Even though the province has leapfrogged over Prince Edward Island and become ninth place in per capita, when we take all the

indicators together, the province is still in 10th place and has been there, when we average all the indicators, for the better part of the last decade. That leaves us with a major problem in the system, which calls for something more than a grudging partial response from the Treasurer. I hope the minister, when he was in planning and priorities after our last meeting, drove home to the Treasurer some truths about the scale of funding that is necessary.

The problem is not just the amount. If one looks at the various elements that contribute to the income the universities receive, whether it is in terms of students, federal contributions, private sector contributions or provincial contributions, if one looks at the way the universities have used their budgets to access moneys, and one also has to include the faculty in that, one discovers the province is the contributor whose contribution has been in decline. The others have all been going up.

Students now pay 19.9 per cent of the cost of the system. Depending on where one starts, somewhere in the last decade, the dollar figures they pay are now double—it certainly is up by 25 per cent—on the amount students contributed nine or 10 years ago.

If we look at the faculty, we find that while the system has received 16 per cent less funding, the attrition of faculty salaries—I am not going to say the faculty are poor in the absolute sense—has been in the order of 20 per cent. That means the universities have leaned heavily on the salary side of the budget to draw in dollars to pay for normal operating costs as they have had to meet that crisis.

When one looks at the federal contribution, one sees the established programs financing for the period 1977-78 has gone up by 140 per cent. The provincial contribution—and this is in current dollars—has gone up only by some 90 per cent. The obvious conclusion is that the federal government is now cutting back on the EPF, as the minister knows, fairly heftily. The reduction is \$6 billion across the country. Even though some of that has begun in this period, that leaves us with a clear conclusion that it is a reaction to a period in which the federal government contributed substantially more heavily in its increases to post-secondary education in the provinces, and this province in particular, than did the provinces themselves.

It is no comfort to any of us to go crying to the federal government and to urge it to reverse its decisions with regard to EPF. If the provinces do not increase, then the feds certainly will not

reverse that decision. If the provinces do increase, then there is some chance that perhaps the federal government might begin to reconsider that action. Everything hinges upon the fact that the provincial government during those years has declined as a contributor to the system and all the indicators make that plain.

I know that is a concern of the minister, but it also has to be a concern of the Treasurer and the scale of it has to be on his mind. I do not believe the contribution of the university system to all the objectives of the government will begin to be met if he does not start this year with a new base of funding which is at the national average level and goes on from there in subsequent years.

16:10

I want to turn for a minute to the question of some trends and tendencies in university research and the direction in which the government appears to be moving at the research and development level.

First, I think all of us welcome the fact that the government has embarked on a major research and development program that it proposes to extend over the next 10 years and that there are significant moneys in that budget. I am not entirely convinced from what I read that the government is quite sure yet what it wants to do with the economy. There is a lot of easy pickup on high-tech talk and some action in that regard, but if one looks at the economy and at our trade patterns, it is quite plain we are in trouble not only in terms of a lag in high-tech development that we need to make up, but we also have very significant deficits in our medium-technology trade.

I submit that low-technology industries remain a very fundamental and important base in the economy. Therefore, the thrust the government is taking in terms of reviving the economy is a rather partial one. When one looks at the needs for research in the economy as a whole, one has to bear in mind that the economy is made up of everything from a medical and a health economy, an education economy, a social services economy, a retailing economy, a medium-industry economy, a heavy-manufacturing economy to high-tech and medium-tech economies. We have all sorts of sectors in our economy that cannot be allowed to go into decline and cannot be left unattended. It is vitally important to realize that most of those sectors require research. Most of them require the kind of nourishing the government is placing on the high-tech end at this point.

The universities' health and welfare in the long run depends on the government maintaining a

balanced approach to the economy. It will not do us any good in the universities if we run off in one faddist direction or another. One sees what has happened in terms of curriculum and faculty developments, for example, when that has happened.

A half a dozen years ago, there was great demand for engineers, and then suddenly three or four years later there was a great glut and a cutoff. In computer sciences, the same kind of thing is happening. We are into a decline now; there are 25 per cent declines in some university enrolments in computer sciences, just at the point where we got ourselves geared up to meet the numbers.

With regard to research, while it is important that the university attempt to meet some of those strategic objectives, the strategic objectives themselves have to be framed in a substantial and broad enough fashion to enable the university to contribute across the board to the renewal of the whole economy. Sponsored research in the universities has gone up by 34 per cent from the 1977-78 to 1983 period. That is a good thing. I submit that perhaps it is a time for us to begin to look at the college system and to ask what it can begin to absorb in research. I will leave that to my colleague who handles the colleges section of this portfolio, Mr. Warner.

For example, in Germany, equivalents of our college system do very substantial programs of research. I know of a college which earns 92 per cent of its income from applied research. If that is a prospect that beckons, we should follow it.

One of the problems with sponsored research in the university is that sometimes it is rather easier to get than to go through the granting council's process of peer review and all the chancy processes that are involved there. As a result, some departments are beginning to find their research programs very heavily steered or sponsored by business, government or what have you and are beginning to displace some of the activity that should be taking place around basic research.

I am not sure how the government plans to go about all this complicated process of picking winners and avoiding losers. Governments have not been very good at that in the past, but that is obviously the game you will be in if you get heavily into directed research and development. It seems to me that it also implies that you steer investment and that you are able to buy the product and make certain it goes on and becomes a winner. That does not seem to be in the wind, and it is not the penchant of your government or

of your party to think in those terms. I have a lot of questions I hope you will be able to respond to in some way, now or later, with respect to the whole research end of university activity and the role of the government in relation to that.

With respect to a current question, I would simply like to ask the minister to give us the best update he can in these estimates of the state of play between the Ontario Institute for Studies in Education and the University of Toronto. I have heard some things that are beginning to disturb me about a developing impasse. Is the minister taking any initiatives in that respect? What kind of role does he envisage for himself and his ministry? How does he see us getting through what I think would be a disastrous result were that to be the case?

I will turn finally to another item I want the minister to respond to, and then I want to turn to some student concerns. I wonder whether the minister can give us any information with respect to the recent dismissal of a secretary at Brock University, a secretary who was involved in a sexual harassment case and who came forward and testified. The faculty person in question has since gone to another university, but now it seems that this woman is being inordinately punished, summarily dismissed without reason, without any public cause. Has the minister involved himself in that situation? Does he have a reading on it?

In my remarks a few moments ago, I indicated that students have begun to pay rather heavily in proportion to the cost of the system. When we went through the Bovey debate, I recall that Mr. Grossman, who now is proposing a massive infusion of funds into the system, thought the students of this province ought to be contributing about 25 per cent or 26 per cent of the cost. The Bovey report came to a fairly similar conclusion. I want to reiterate that this was not the conclusion of our party, nor is it a position we have ever taken. Our sense, and I hope it is the minister's, is that it will be possible for us to reduce the contribution that students pay. One has to argue that it would not be a significant burden to the economy even to unburden students totally of their fees. It would certainly get us out of a lot of the hassles that keep occurring around the Ontario student assistance program.

That portion of the cost of education has to be borne by the economy somehow or other.. Somebody pays for it one way or another. Why have we not moved in the direction of giving people in the province of 19 or 20 years free credits in education that they can cash in as they

please, with compulsory education, as we have it, up to the age of 16, and then allowing them to utilize the rest at their pleasure?

I am not sure why we have not used a program such as the Swedes have of guaranteeing job training or higher education to age 22, but in economic terms it should be possible for us to do that without its being a drain on the economy. Given the fact that Ontario uses such a small proportion of the gross provincial product in higher education relative to the other provinces, that would be one way of taking up the slack and producing equal access to a degree we have never had before. It would also get rid of all this coming and going and the constant complaints around the Ontario student assistance program.

16:20

It is very difficult to look at the question of student accessibility and conclude that it is in a satisfactory state in Ontario at this time. There are groups that are still working their way into the system in an equitable fashion, such as ethnic groups. Fortunately, women have recently arrived in terms of numbers, though not always in terms of programs. Low-income families, working class families, and families in the north because of regional impact, are in a disparate condition as far as access is concerned.

In this regard, I was struck by the latest study by Paul Anisef, who had done an earlier study, *Pursuit of Equality*, in which he called attention in particular to the fact that while we perhaps had a sort of equality in terms of opportunity, the system did not end in equality of result. In his latest study, he proposes a much more refined analysis of the accessibility question by all the provinces and the federal government in this country to determine, not just on the basis of individual paths into and through the system whether individuals managed to make out by virtue of their access to post-secondary education in particular, but what the results are at the end of the day with regard to a whole series of major social groups in our country. In this study he makes it quite plain that there still are significant deficits in that regard as far as a number of groups in our society are concerned.

When I discussed this question in my first estimates with the then minister, the member for York Mills (Miss Stephenson), I made a point I want to reiterate. We are all troubled in the accessibility question by the fact that it is not purely and simply a money question. I recognize that. It is a very complex ethnic question. Obviously, it is impossible for us to anticipate that Portuguese girls will find their way into the

system instantly in proportions equal to others, given the nature of the cultural setting they rise from.

Moving outside the ethnic area and into the area of social class, I also submit that working people and their children will not find access to post-secondary education until the working people in our factories and work places have substantial decision-making roles to play in those places.

Anisef's earlier study cited a number of interesting examinations of the circumstances of working class families and how the work place has an impact on their culture. They have difficulty in developing as advanced and sophisticated a linguistic code, as he puts it in very scientific terms. The discipline pattern in the family tends to be rather more authoritarian because in the work place a working man experiences an authoritarian discipline pattern. If he lives with that day in and day out, it is obvious that will be reflected in family patterns as well. That authoritarian, hierarchical pattern is not conducive to liberating the children and freeing them for the endeavours that a university or higher education requires.

We all know from studies done in Toronto that by the time they reach grade 9, most students have determined whether they will be going to university. The minister may or may not remember this study, but about four years ago it was discovered that by grade 9, low-income children, even though they are in the upper percentiles of their class, generally have made a decision that they will not go to university. Middle-class and upper-class kids, regardless of where they stand, even if they stand in the lower percentile of their class, have come to the conclusion that they will go to university. There is a massive problem of expectations that has to be overcome to give those children access to what is their right in terms of any system of equal accessibility to universities.

After all, this is what the students are telling us when they give us documents such as this. They are telling us that the notion that accessibility is somehow counter to quality is a false argument. Paul Anisef, in his latest study, reiterates that. It is a very questionable conclusion that some of the presidents of our universities are coming to—I hope the minister does not come to share it—that to maintain quality, one has to reduce access. This party will never go along with that idea until we are shown that there is substantial reason for thinking so. That seems to reflect a mythology, perhaps a nostalgia for another age of the

university system that none of us is prepared to go back to.

When students talk about differential fees, about their concern in regard to ancillary fees, about their concern in regard to OSAP and about their concern in regard to distributing moneys differentially between research-intensive universities and other universities, they are telling us that the young people of Ontario want a fair break in terms of access. They know and all of us must increasingly realize that this is a very complex question, one that is going to have to engage the minister very deeply in the next short while.

I hope the minister will immediately take up the challenge that the Anisef study of accessibility to post-secondary education in Canada puts before him by undertaking a thorough, sophisticated study based on social stratification concepts to provide for us the kind of information we need to tackle what remains a major problem in just and equal access to post-secondary education, in the university system in particular.

Mr. Chairman: Thank you, Mr. Allen, and thank you, Mr. Grande. Mr. Warner.

Mr. Warner: I am sorry. I slipped up there. I am supposed to keep an eye on these potential smokers and keep them under control.

Mr. Grande: Mea culpa.

Mr. Chairman: Accepted.

Mr. Warner: I appreciate the opportunity to participate. I would like to cover a few of what I think are the essential areas of concern with respect to the college system. There is a whole list of items I will not raise because time does not permit doing justice to them, but I will be pursuing them over the next little while.

The analogy I would like to start from is that the post-secondary system has been for approximately the past 10 years in a darkened room, a room without light. You have at least lit a candle, but the problem is that someone has to throw the switch and illuminate the entire room. The candle is not good enough. The darkness was totally unacceptable.

Interjection.

Mr. Chairman: You know how I love metaphors.

Mr. Warner: I knew that would stir you.

As I looked at the system in 1976 and 1977 and as I look at what the Tories in Ottawa are doing to the system, I do not think it is any accident that we have had 10 years of chronic underfunding of the system. I think it was all by design and was to a large extent because the Conservatives have very little interest in public education.

16:30

It is an interesting question when you talk about whether education is a right or a privilege. Somehow, up until 1980, it was not possible for the Conservatives to say that attending elementary school was a right. Only in 1980 did we actually enshrine it in law to say that every child aged six or more had a right to attend school. Today we say six-year-olds have a right to attend school in Ontario, and seven-year-olds; and someone who is in grade 12 has a right to attend school in Ontario. Then somehow, by magic, it is no longer a right but a privilege. A year later it is a privilege.

That shifting philosophy is totally baffling to me and totally alien to my thinking. It seems to me that, instead of looking at the institution as being the determining factor in whether it is a right or a privilege, we will be much better served as a society if we take the view that people should have the opportunity to learn all the way through their lives in various forms of education, in various institutions, according to what meets their needs, and that the opportunity to go to a post-secondary institution should be based on interest and ability, not on your chequebook.

That is a challenge for us, but it means the government has to change its way of thinking. We will not be well served if we continue with the model that it is a privilege to go to university or college. If you are under 16 and you do not go to school, you get into trouble; they send a truant officer after you. It is a very strange way of looking at things.

One of the challenges this government has to meet and has not met yet—it in fact is partially to blame—is what the Tories in Ottawa are doing to our college system. They are systematically undermining it. The figures that are starting to come in on the impact of the withdrawal of federal funds are alarming.

Algonquin College has already had six layoffs. It is looking at a cut of approximately 15 per cent. The ultimate cut appears to be around 23 per cent, and it will be in training. It will all be in skills training; that is where the cuts will come for the colleges. Where it will affect them most, especially in Algonquin, will be in the outlying campuses. Prescott-Russell is looking at a 40 per cent drop; Lanark, 25.9 per cent; Pembroke, 31.8 per cent. It is devastating to those rural campuses.

I want to know what the government is going to do about it. The federal government in Ottawa has very little respect, if any, for our college system. I know that; you know that. Its intent

seems to be to set up some kind of parallel private training system. Private businesses get handouts from the government in Ottawa to run in competition with the community colleges—unfair competition, as you and I both know. I will go through some of those examples. A couple of those that have come to light already are really quite astonishing when you look at the figures involved and the unfair competition.

The government in Ottawa seems determined to undercut our college system. Since you are the government in Ontario and it is your college system, what do you intend to do to shore up this decrease in funds from the federal government? You indicate in your remarks that you are increasing the funding. If I am not mistaken about the figures, the increase in funding that you are providing will still leave the colleges well short of the money they require to meet their present level. You talked about an increase of \$60 million for the college operating grants. The Ontario Public Service Employees Union estimates the college system would need \$85 million a year. There is a discrepancy there of \$25 million.

Apart from debating which cuts are justified and which ones are not and what the percentages are, or your figures versus mine versus OPSEU's versus anybody else's, there is another more fundamental question; that is, part of this cut to the college system from the federal government is not a surprise to you, because you signed that letter of intent. If you recall, when we went at this one before, I said I thought you were making a mistake. Now, obviously, it has become fairly clear that it was a mistake to sign it.

I also understand part of the agreement says that if the private sector does not live up to its part of the bargain, there will be extra money coming to Ontario. I also understand, and if I am wrong I would like to be corrected, this government has not insisted that the federal government come up with that extra money.

For the most part, the private sector is in no position to supply the kind of training our community colleges can. They cannot guarantee quality, and in some cases they require a certain length of time to get a program under way. The colleges, of course, regularly review programs through their area boards—you have met with some of them—to determine the training needs for their area in conjunction with industry, and the colleges are prepared to deliver those programs.

Private industry cannot do the job as well as our college system can. Our college system has been sold short, and there will be a number of

results. You are going to see staff layoffs. Programs that should be mounted will not be mounted. There will be gaps in the providing of people with skills in the work force. In some cases, a more expensive proposition will be put forward through the private sector.

I can think of one in particular in Peterborough, which I found quite astounding. I am going by memory, but Bowes and Cocks received \$320,000 from the federal government to put on a computer-assisted real estate program when, apparently, the local community college could have presented that program to Peterborough for approximately \$165,000 with trained staff and control over quality, neither of which Bowes and Cocks can deliver.

When you start relying on the private sector to provide the kind of skills training we need, you are in big trouble. That is part of having signed that agreement. To be quite blunt about it, it is part of trusting the Tories in Ottawa to do anything constructive or helpful with respect to education. You will recall from some private meetings that the folks in Ottawa either do not understand or do not care to understand what our college system in Ontario is all about or how good it is.

Your government has let us down badly. What are you going to retrieve? How do you repair the damage that has been done by the folks in Ottawa? How much money are you prepared to put up? Are you prepared to end the letter of intent? Are you prepared to scratch off that agreement and let us do our job properly?

We can insist on the transfer payments that are required, and we can do some hard bargaining with those folks in Ottawa. If they have no interest in post-secondary education, we do. What we have to do is go to Ottawa, get our fair share of the provincial dollars to run the system properly and run it ourselves. Otherwise, we are going to be in serious trouble.

16:40

As a closing note, I should have mentioned that while calculations are going to vary as we go through these college by college, the picture I am getting roughly is that, across the whole system, we are probably looking at a reduction in money of approximately 25 per cent because of the Canadian jobs strategy program. It will vary from college to college. Conestoga's is 20 per cent. It is an enormous sum of money to the individual colleges. In some communities—in the Sault, for example—if you see a cut of 20 to 25 per cent in a college it is absolutely devastating to that college. Because there are a couple of other

colleges in Metropolitan Toronto, if an individual college sees itself losing money, it is not quite as devastating to the community as a whole, but it certainly is in a place such as Sault Ste. Marie.

Another major issue the government has to come to grips with and has not, one that was allowed to fester badly over the past 10 years, is the whole question of governance. I was very disappointed with that part in your statement. You mentioned that you had commissioned Mr. Pitman to do a study, which he completed and tabled, and then you invited the public to respond until September 30, but nowhere in your statement did you indicate in which direction you are prepared to move.

I too am pleased, and I think it is a feature of democratic government to listen to the people, but the people also expect some leadership. They would like to know in which direction you are headed. Are you headed for democratizing the system? Are you headed towards involving the support staff and the students in the governance of the system? Are you headed towards trying to make sure employees will have a fairer shake when it comes to their grievances?

The minister may recall that on June 17 in the House I raised the specific problem of Richard Gerson. I do not want the minister to think what happened to Mr. Gerson is an isolated incident. I have yet to receive a response. There were Mr. Gerson's case, Mr. Banigan's case and that of another person who must remain anonymous at this point. All three were at Sheridan College, and all three were treated in what I could most charitably describe as a shabby way.

Before the powers that be out there decided they were going to descend on Gerson for political reasons, the reports that were done on him with respect to his teaching were glowing. He gets praise for his teaching ability and for his communication with the students and staff. It is fascinating when you read through it: "He does everything right; he is friendly and concerned; I like him," and so on. He is really terrific. Then he decided he wanted to run in a provincial general election. That was the beginning of his downfall. Then they were out to get him. They got him, and there is no recourse. I understand he cannot even take this one to court.

There are others. I would not suggest for a moment that Sheridan is the only place that has problems; it is the one that is most obvious. The minister is probably painfully aware of it. I guess that is why, when reports by Skolnik and Pitman talk about governance and trying to have a fairer system, they are speaking from the real experi-

ences of Gerson, Banigan and others who have suffered in the system. It should not be; it is wrong. I think that is a major challenge.

I hope that in the next few months there will be some answers from the government on what it intends to do about it. I intend to pursue this during the next little while on a very regular basis, because in the long run it is a very serious matter for the system.

The member for Hamilton West (Mr. Allen) mentioned applied research. Certainly, there is no reason to believe the colleges could not be involved in applied research, but I am going to put it in a slightly different context. Before we get the colleges involved in applied research, we have to deal with the serious problem of outdated equipment. How are the colleges supposed to teach their students to go into industry, compete, have decent jobs and be good, productive workers in the economy if they are must teach on equipment that is outdated? The cost of the equipment in the colleges is enormous; the minister is aware of that.

I probably do not need to tell you all this, but we are in a high-technology age. When a college puts on a program for computer-assisted design, the equipment is very expensive. It has to be done, however, because when the students leave there and go into industry, that is what is being used.

The colleges do not have the necessary money because of the 10 dark years. They are left without the kind of reserves they need to bring in the equipment they require. Industry gets off scot-free; it is not paying for this. It benefits, mind you, but it does not pay anything. Before I entered the Legislature, I always found that to be patently unfair. I never understood why the government allowed that to go on.

It does not take a genius to figure out that the more highly skilled a work force you have, the better profitability you will have. Companies that are successful pride themselves on having a highly skilled work force. They know that the more highly skilled the work force and the better equipment they have, the more productive and efficient they will be and the more money they will make. Does it not stand to reason that they should be paying a share towards the training of these highly skilled people? They do not; they get off scot-free. The position of the government is untenable; the situation is patently unfair.

I want to mention two more things. One is, does the minister or the staff have any sense yet of the damage the colleges are expecting to face from the logical conclusion of the Ontario

college information system? The previous administration brought in the idea of streamlining the high school; it downgraded tech studies, as it downgraded the arts and culture in the schools. The result down the road—and we may be partly there already—is that fewer and fewer students are coming into the colleges with any knowledge of tech. They are going into shops and so on in grades 7 and 8 and then not seeing machinery again until they show up on the college doorstep. I suspect—and I will be perfectly honest about it; I have no hard information at this point—that the colleges may already be facing that problem in working with the new students who show up. They are anticipating it. I would appreciate some response.

16:50

The last item is one that has been ignored for a little while, and that is the whole question of student residences for colleges. I raise it not so much in the context of Metropolitan Toronto as in the context of the north, where some of the colleges have made an excellent attempt to attract native people to the colleges. But in the case of native people, for a lot of the families, without a residence, without a place for them to stay, it is impractical for the native person to travel a couple of hundred miles to the local college.

This ban on residences should be lifted, maybe not straight across the system; maybe it is reasonable to look at it location by location. But I want to make a special pitch that at least for the north, and possibly for Peterborough as well, which is attempting to serve the native community in the Peterborough region, you should take a look at that ban on residences and see whether it can be lifted to provide in a practical way an opportunity for more native people to attend our colleges.

A general remark in closing: the minister knows from previous statements of mine, and from other material, that I happen to think our community college system in Ontario is basically a very good one. The concept is good. In some places they are doing incredibly imaginative things. All over the province they have done remarkable things, but particularly in some of the northern colleges they have greater barriers to overcome than we do in the south, because of geography, weather and so on, and yet they have managed to put on courses in outlying areas. They have done a first-rate job.

However, our colleges are under some very serious pressure, probably some of the worst pressure they have had in a long time, and if that gang in Ottawa is allowed to have its way, the

dark days of the past 10 years will be nothing compared with the devastation that is ahead for this system.

I choose my words carefully. I am not attempting to exaggerate. From the feedback I have had from the colleges so far, I think they are genuinely scared. They are looking for direction from you, and they are looking for money. From what I understand, unless I am totally wrong, the money you have promised here is not nearly enough. I am not automatically suggesting that you go back and find it in the pockets of Treasurer; he is a great guarder of the cheque-book. I am suggesting that you go to Ottawa and fight tooth and nail for what is rightfully ours from the federal government so that we can repair the damage that the Tories in Ottawa have been inflicting on our system.

The Acting Chairman (Mr. Offer): Thank you, Mr. Warner. I note that both Mr. Jackson and Mr. Baetz have indicated they wanted to comment. The chairman stated before he left that the minister would be responding to the opening statements by the critics and that I should then call for other questions related to this particular section, main office. Is that—

Mr. Jackson: I was going to make a point of order to clarify a statement that Mr. Warner had made. In fairness to him I did not do that in the middle of his recital. If I am permitted, I would like to clarify what I believe is an inaccurate impression he has left with the committee.

The Acting Chairman: The appropriate time to do that might be after the minister has been able to respond to the critics; and before we take the vote, of course, if that is acceptable.

Mr. Jackson: Are you asking me or telling me? I will make it a point of order.

The Acting Chairman: I understand that we have gone from a point of order to a clarification; and it is not a correction of the record?

Mr. Jackson: I doubt seriously if we will get a correction of the record. I wish to state this for purposes of the record.

The Acting Chairman: The clerk tells me I should allow you to do that at this point.

Mr. Jackson: I understood very clearly the point Mr. Warner was making with respect to privatization. I took exception to the example he used for the simple reason that had he researched the case further, he would have realized that the courses for real estate certification as required by the Ministry of Consumer and Commercial Relations, which are put on by the community colleges, are done by recognized practitioners

and licensed real estate professionals in the province and not by community college instructors. As such, the effort to provide the program by Bowes and Cocks, which was the example he used, was not a response to remove the responsibility from any specific community college instructor, but rather a response to problems with enrolment and accommodation. He might more appropriately be making the point about underfunding for capital expansion which is creating some pressures in our community colleges because of extended and increased adult education programs.

I would be more than pleased to provide additional information to Mr. Warner so that he would be aware of the specifics of the case he raised, although I still understand the point he was making.

Mr. Warner: Do I correct his record now? He is obviously confused. Do I have an opportunity to correct him?

The Acting Chairman: Before we get to that, we will let the minister respond to your comments. Mr. Baetz had asked to be on the list.

Mr. Baetz: I will play along with the rules. I will speak later.

Hon. Mr. Sorbara: One person who wants to play along with the rules. It is a rare treat.

I appreciate the opportunity to respond to what the three critics have said in these estimate hearings. It would be most appropriate for me to start at the beginning and look at a number of points that have been made, starting with the member for Eglinton (Mr. McFadden).

However, because it is so fresh in my mind and because Mr. Warner has finished, I feel I have to begin by speaking to some of his comments. I realize that in this process, the three-party system, we all have to take our rather different positions to ensure our political survival. Mr. Warner and I do agree on one major theme, that what we have here in Ontario is an outstanding community college system. Whenever I can, I describe it as the best community college system in the world, and then I go on to be as nonpartisan as I can and congratulate the Conservative government for creating the community college system. Let us do that. Let us be frank about it. This was an appropriate response 20 years ago to some important needs in Ontario.

We talk about underfunding: what about underfunding? I become very political and say the difficulty is that the government lost enthusiasm at the wrong time for some reason. I do not know, I am not a historian or good political

scientist, but I say they lost enthusiasm for the system.

I have to respond to Mr. Warner's contention that there is a desperate situation now in the community college system. It is just not true. I know you have to say it here in committee, but it ain't true.

17:00

Frankly, there were very serious problems 18 months ago when our government took office. I do not want to get into the history of those problems but the various steps we have taken in the area of community colleges have done wonders to get the system back on track.

The Ontario Public Service Employees Union says it has to be \$85 million, it cannot be \$60 million. Somebody else will say it has to be \$100 million. Other people will say none of those figures is right. However, I invite any of the critics, or any other member for that matter, to take another tour, to talk to the students or faculty members or presidents or administrators and ask them what it is like this year. They will say it has never been better.

I will give you my experience of my visit to Confederation College—a month ago, was it? I had a delightful meeting with Bert Curtis, the president. Bert is known as a rather tough administrator—a unique reputation in his college. He has a college that has experienced a 12 per cent increase in enrolment this year. "Bert, how is the place going?" "Fabulous, Greg, absolutely fabulous. It has never been better." I chatted with him for half an hour about specific problems and his views on governance.

I went to see the faculty, support staff representatives and student representatives. "How are things going?" "Fabulous," the faculty representatives say. "How is it going?" The union rep said: "Fabulous. We have worked with the new contract and moulded it to the needs of Confederation College, created a local agreement based on the agreement that was negotiated, and things are great."

Are there still problems? Sure there are still problems. There will always be problems. There are problems as a number of new staff people are brought in, and there will be problems of space. There will be continuing problems of faculty who have offices that are too small. We are not going to solve that in one year. But the consensus is, if you go around institution by institution, we are doing rather well. Part of it was a \$60-million infusion into the base budget of community colleges. It was desperately needed, not only to be able in substance to put into place an

agreement that was negotiated—and not only the theory of that agreement—but to do a number of other things as well.

While I understand you must say here that things have never been worse, the reality out there, college by college, in virtually every instance, is that things are going along swimmingly.

There will always be more to do. David talked about the need for more equipment. Certainly, notwithstanding that the college excellence fund provided a specific allocation for instructional equipment, we need to get more equipment into these facilities. The huge challenge in post-secondary education and spending in that area is that you no longer just build the classroom. In so many instances, particularly in community colleges, it is not just four walls and a few desks; in some instances it is very sophisticated and very high-class equipment. It is very expensive equipment as well.

Computer-assisted design and computer-assisted manufacturing equipment are very costly. They are no longer luxuries; they are basic necessities. It is no use teaching the historical approach to designing and manufacturing; it is crucial to teach the method industry is using.

Reference was made to the difficulty the colleges are experiencing as a result of the Canada-Ontario training agreement. As long as I am on it, I might as well continue on this line. The question was put as to whether the signing of the letter of intent was a mistake. It was not a mistake. It was an arrangement that, under the circumstances, was the most effective arrangement for Ontario colleges and a training system in Ontario in an atmosphere in which the federal government had made a determination to reduce by \$200 million annually its spending across Canada in the area of job creation and job training.

I do not, I have not and I will not apologize for the agreement, notwithstanding that in some instances it is exacting hardship at community colleges. The question, if it were put in the House, would probably be—we saw examples of this today—why was the minister not there demanding a better deal for Ontario? I should tell you the experiences of my colleagues in other provinces where an agreement has not been signed, and there are still many of them.

It was a federal determination to cut back in this area. We regret that decision. Our approach to these negotiations was not for the purpose of ensuring stability in colleges. Our colleges are not institutions whose primary responsibility is to

be stable. Their primary obligation is to be flexible and responsive to the changing nature of the work place. Ultimately, it is the federal government's money. It is its determination to spend less.

We incorporated in that agreement—I think I have said this in other estimates hearings—an assurance that the level of funding in the first year of the agreement will be equal to the level of funding and expenditures in the past year under the old Canada training act. The obligation is just to spend at the same level. In some instances, that will mean less activity. However, I say to Mr. Warner, it does not represent a 25 per cent reduction; that is just not correct. There will be instances in particular areas; maybe it is Prescott-Russell where there will be a dramatic cutback.

The members of this committee should understand it is the federal government that chooses whether to purchase training seats in community colleges. Our agreement requires them to maintain a consistent level of purchases system-wide. If they do not do it, they pay the money anyway. They pay the cash.

Mr. Warner: They have not.

Hon. Mr. Sorbara: Mr. Warner says they have not. The fact is that the fiscal year is not over yet. We are in the midst of the first year. To suggest that they have not paid it is to suggest that they ought to pay it before they have an opportunity to spend it.

The agreement also provides for a review in the second year to see whether the intent of the agreement, which is to increase the real level of funding spent on training in this province, is honoured not only in spirit but also in actual practice. I have never said that this agreement will turn around the training system in Ontario. When the federal government, under its much-touted Canadian jobs strategy, is trying to implement a dramatic reduction in what that government spends in the area of job creation and training, I say that having been faced with a proposal to reduce the amount of seat purchases for training by 20 per cent in the first year, 40 per cent in the second and 60 per cent in the third, if you read the agreement Ontario has with the federal government, it is a rather good agreement, although not without its costs. We will discuss that in the estimates of my Ministry of Skills Development.

In many respects the introduction of training strategy speaks to a really creative initiative in the area of skills training, whereas, in my humble opinion, the Canadian jobs strategy simply

represents an effort to say we are doing more while actually doing less.

17:10

Mr. Jackson: You cannot argue, David. On CBC you agreed with everything he just said.

Mr. Warner: I did not.

Mr. Jackson: You did so. I was on CBC with you. Have you changed your mind?

Mr. Warner: Cam, when you figure out what the program is all about, I will look forward to your comments.

Hon. Mr. Sorbara: I have a few other comments on Mr. Warner's remarks. He talks about student residences in the north. Here again, I am very sympathetic with what you suggest there. Governments in Ontario have not financed student residences for a number of years and the current government has not begun to do so, but there is a dynamic that we are going to have to look at. At some point we are going to have to reassess that approach.

I, for one, believe it should be possible for student residences to be self-financing with appropriate assistance from the appropriate places, including the Canada Mortgage and Housing Corp. I know that at the Erindale campus of the University of Toronto the construction of student residences goes on apace without assistance from the Ministry of Colleges and Universities.

There is a dynamic to be concerned about. The original conception of community colleges was that they were to serve the community, the surrounding area, but in some instances—perhaps in many instances—programs are directed towards an Ontario community, a Canadian community, an international community. That is a reality we not only recognize but also rejoice in.

The primary obligation, in my view, remains the local community. That is why we have nursing programs in virtually in every community college, why certain programs are available in every single community college and why there are not 22 community colleges in 22 places, but 22 community colleges with some 90 campuses, including Pembroke, which is a thriving campus of Algonquin College.

I do not think anyone would say we should just look at the question of residences for our native community. We have to look at the broader question of whether we have to get into the business of the construction of residences. I am sorry to say that is for another day, because we have a number of issues that are even more pressing, but there are a couple of colleges that

do have residence facilities associated with them.

Our primary obligation is to look at the possibility of finding ways to self-finance the construction of residences through existing assistance, primarily from the federal government. In that regard, it is a dream of mine that right here in Metropolitan Toronto we could create a student village that would serve the needs of the five university institutions and the community colleges in the Metro area and be self-financing. That would alleviate greatly the pressure on rental housing that students exact in this area in a very tight rental market.

I will return to the question of governance that Mr. Warner raised. I note Mr. McFadden has returned. Are you staying long, David, or are you just—

Mr. McFadden: I am sorry, Minister. I had to give a speech in the House.

Hon. Mr. Sorbara: How was it?

Mr. McFadden: It was a great speech. You do not know what you missed.

Hon. Mr. Sorbara: I will forgo it, but I am really sorry I missed it.

Mr. McFadden: I am sorry, but I had to talk about employment.

Hon. Mr. Sorbara: Maybe you could give the same speech here later on in the context of one of your questions as a sort of preamble to your first question.

Mr. McFadden: Yes, I could probably deal with that.

Hon. Mr. Sorbara: I will continue, if I may, speaking to the matters raised by Mr. McFadden in his opening comments.

My notes say—roughly quoting Mr. McFadden—that the public does not appreciate the post-secondary system to the extent he feels is necessary. I agree. I think that is changing, however. I think that as the days, weeks, months and years pass, there is a growing dynamic within Ontario society that our ability to educate ourselves will be crucial to our ability to survive not only economically but also socially and culturally.

There is the hackneyed phrase of being hewers of wood and drawers of water as descriptive of the Canadian reality. That is just so archaic as to be completely inappropriate except as a historical reference.

Mr. Jackson: There will be no hewers left in northern Ontario in a few years.

Hon. Mr. Sorbara: I know you would like to make that point and, with provincial television

now, it is very classy to do that. I guess we would posture a lot more in here if the cameras were looking down on us.

Part of my responsibility as minister is to heighten that awareness, to speak about education, and particularly post-secondary education, not only to the institutions involved, not only to government, not only to the constituents who are concerned but also to the province at large, because it is only with the support of the province at large that the really dramatic steps can be taken.

But we have to ensure, and I hope we would ensure, that as we proceed down this road we really honestly reflect what this government has done in the short 17 or 18 months it has been in office. I have found from each of my critics a generous sympathy with that, but sometimes I become rather concerned.

For example, Mr. McFadden and I, along with Mr. Allen and Mr. Warner, participated in a rally recently at the University of Toronto, a rally that I was glad to be at, a rally that I was glad to speak at, a rally that raised the issues in an appropriate way, a rally in which I think the university presidents who organized same were saying: "We are encouraged somewhat by what the government has done thus far. We are encouraged by the initiatives taken so far; but our concerns run very deep and the dilemma that underfunding has put us in has not been solved as of yet."

When the Leader of the Opposition (Mr. Grossman) says a few nights later on television, and I am quoting here, "It was a rally called by the presidents of those leading universities to protest against government cutbacks," that not only is inaccurate but also misrepresents the very essence of what that rally was all about to a broad provincial audience on Provincial Affairs. It is a completely unacceptable representation of the nature of that event.

Mr. McFadden mentioned the importance of the arts. I am right with you on that; I really am. I have such a deep sense that, as we move into a world that will very much be dominated by technology in terms of the kinds of work we do and by the dissemination of the capacity, through skills training and through education, to utilize new technology, the magic of our success in that exercise will be to be people who have an even deeper appreciation for the humanities, for the study of sociology, for the appreciation of language and for an understanding of our historical roots. All of those things must be important.

17:20

The base budget of post-secondary institutions is—I do not have my figures in front of me—in the order of \$1.5 billion. Many of those resources and many of the additional resources that come into universities from other sectors go to maintain that existing commitment to the arts, right from Greek and Roman history to the most modern approaches to theatre arts in our institutions. All of that stuff will continue; it will not vanish during my tenure and it will not be attacked during my tenure. The magic is to combine our technological capacity with all those other aspects of really educating ourselves that will make us brighter, cleverer, keener and more intelligent people.

You said that the government should create a favourable environment. I think that is in the process of happening. You mentioned that the Reagan administration has increased funding. My suggestion is that the steps we have taken, both on the college side and on the university side, have been rather impressive thus far, and we must continue on that agenda.

You criticized the excellence funds with criticisms that I think were unfair, really. You suggested they were allocated in areas that the government, not the institutions, had set as priorities. You are wrong there; that is not the case. In the excellence funds that exist today, we are talking about faculty renewal, and the institutions and Edmund Bovey spoke of faculty renewal.

There is an excellence fund to assist the overhead costs of research, and it was the institutions, Edmund Bovey and so many others that said, "That is needed because our capacity to do research is under financial attack."

Finally, there is an excellence fund to purchase instructional equipment and enhance library acquisition. That again was what the institutions requested, and the government responded to priorities established there.

You mentioned student housing as well. I have made a few comments on student housing; I do not propose to make any more.

You did, however, reiterate some concerns you had expressed before about the speech from the throne and about comments made in it about avoiding needless duplication. I have said to you before and I say to you now that I am a true believer when it comes to the competition of ideas. Yet I also understand that within our system of universities there has to be a greater pursuit of co-operation in specific endeavours

where we do not have the capacity to duplicate at a number of levels.

The example that reflects that need is the grant in respect of a supercomputer given to the University of Toronto and the way in which we have structured the governance of that supercomputer so that, while it is housed at the University of Toronto and available to researchers at that university, it is also available to and a primary research tool for every institution in the province. We have assured this with a governance regime that has other institutions represented on the body that will control how that facility is used. We simply do not have the capacity to buy supercomputers for every institution that has researchers who could use them.

I am delighted that this facility and the people responsible for running it have entered into their first contract for private sector use of it with Omnibus Computer Graphics. That is exactly the kind of style we were looking for and that is exactly what we are getting. There were other issues that Mr. McFadden raised, and we may get to those during question period.

May I now turn to Mr. Allen's comments, which were extensive and raised a number of concerns that should be addressed. He said the best thing about my statement was that it was lengthy. I did not think it was that lengthy. I have heard of ministers who have gone on for quite a long while. I think my rebuttal is getting lengthy. It is okay. We have a number of hours left in which to debate the issues.

Mr. Allen referred to the Ontario Institute for Studies in Education and he was seeking an update on its proposed amalgamation with the University of Toronto. I am advised—and I think my advice is correct—that negotiations are ongoing. I remind my colleague that the position of the government was made clear within the budgeting in which the amalgamation was referred to and continues to be clear. It is a policy of the government that there should be an amalgamation of the Ontario Institute for Studies in Education with the University of Toronto.

We have given a mandate to both institutions to attempt to negotiate the structure of that amalgamation. Those negotiations are ongoing. I am still confident of having a joint submission from the two institutions with a proposal acceptable to both. Mr. Nixon said in his letter to the institutions that, failing that, as Minister of Colleges and Universities, I would be receptive to individual submissions about how amalgamation might take place.

I am confident that in either case a period of transition towards amalgamation would be identified. I cannot tell you whether that period should be two, three, four or five years, or how it should look. I think these two institutions are sophisticated enough to effect that and to determine the appropriate time frame.

If individual submissions are presented to me, I think the option still remains, and it was identified in Mr. Nixon's letter, to seek the advice of the Ontario Council on University Affairs. That will continue to be an option.

Mr. Allen: The negotiations are at an impasse. A third meeting is coming up, and it looks as if there is no prospect of a breakthrough.

Hon. Mr. Sorbara: You are very familiar with the negotiation process, and as might happen within an institution or with a trade union, negotiations often reach an impasse. The magic of the negotiators and those who are assisting in the negotiations is to get beyond the impasse. I still hope that will happen. While I take you at your word, it is not an easy deal to negotiate. I am still confident it can come about.

I am still confident. I remain of the view that the amalgamation will have a beneficial, synergistic effect. There are those who have another view and there are strong arguments on both sides. I am of the view that those two institutions are sophisticated enough and strong enough to ensure not just their survival, but enhancement.

Mr. Allen: While we are on OISE, is the minister involved in some political fashion with the negotiations, since for two meetings they have been at an impasse? Is there some prospect that his ministry would be involved to help remove some final obstacles of what appears to be a hopeful solution?

Hon. Mr. Sorbara: As minister, I have been keeping a watching brief on the negotiations between the parties; so we are not yet sending in a mediator. Through ministry officials, we do have a watching brief and are hopeful that we will be called upon where we could be helpful directly.

17:30

In the context of his comments on the technological future of the province, Mr. Allen mentioned the use of the words "human resources." He referred me, actually, to a book entitled *The Domination of Nature*. I would like to get hold of a copy of it and at least see it for a while.

I agree with him that it is rather unacceptable to talk about people as human resources, as if somehow there is a rather equal status among natural resources, unnatural resources and hu-

man resources. We are talking about people; we are talking about the citizens of this province and of this country, and I do not like to use that phrase. We must stop thinking about developing our human resources and talk about developing our human potential.

However, his fear, in using that sort of phrase, is that somehow we will be exploiting people instead of giving them a more vibrant lifestyle and a greater participation in this economy. I say to him simply that past economies dominated by the exploitation of natural resources have also often been societies that have exploited people, although we did not refer to people as human resources.

Mr. Allen: That was my point.

Hon. Mr. Sorbara: The kinds of initiatives and the kinds of programs for which my ministry is responsible are directed primarily to ensuring greater opportunity, greater participation and greater development of the individual and his ability to participate fully in Ontario society. However, I agree with his distaste for the use of the term "human resources."

As well, he stressed the humanities and the fine arts, and there again I agree. He suggested that the Treasurer somehow is out of sync with this process, and there I disagree in the very strongest of terms. The fact is that it is my responsibility to be the primary voice for the government in the area of post-secondary education. The Treasurer has the unhappy job of trying to ensure that there are enough resources for all the initiatives of government. My sense from all of my discussions with the Treasurer is that he understands as well as I do the importance that our government must place on education, particularly on the post-secondary side.

Mr. Allen: My remark was directed not to the Treasurer but to the Premier (Mr. Peterson) and to his comments in the speech from the throne and some responses later on to the newspaper community and the media to the effect that we could really put the humanities to one side for the time being and get on with some more important economic business. I do not believe I directed any comments to the Treasurer's attitude with respect to that.

Hon. Mr. Sorbara: I am not familiar with the comments Mr. Allen is referring to, but in defence of the Premier, who I think enjoys the popular support of the people of this province broadly, as a student himself, he was a student of philosophy, then a student of law, and has done really not badly. He certainly does state on many occasions how vital and important it is that we

educate ourselves to be competitive in the technological world in which we find ourselves. Therein I agree with him; that is crucial. That is not to say we are going to do it somehow at the expense of all the other traditions we must pursue and all the other disciplines we must pursue in our post-secondary system.

Look at the principal capital allocations announced by me some seven or eight months ago. We allocated funds to build a new law library at the University of Toronto, which will be named in honour of the late Bora Laskin, Chief Justice of Canada, and one of the truly great justices in Canadian history. We allocated funds for a new building for a music and arts complex at Wilfrid Laurier University, and we allocated funds to the University of Ottawa for the reconstruction of its music and arts building. That side of the world is being properly given its due.

There was a suggestion by Mr. Allen that the university excellence fund and its various components was reflective of the style of the previous government in this province. Stylistically, I think there may be—

Mr. Allen: I was simply saying that both appeared to have a bias against addressing the operating grants question.

Hon. Mr. Sorbara: Sure, but I make the same comments as I made earlier, saying that we are trying to achieve specific objectives that the institutions themselves have identified.

Mr. Allen: Excuse me just a minute. The Tories could have said that too. In their targeted funds, they were addressing the renovation problem, the equipment problem, the research problem and so on. The style is the same. I do not think you can really disagree with that point. The moment that you really significantly address the operating fund problem, then you will break ranks with what happened then.

Hon. Mr. Sorbara: I invite you to analyse the flexibility of the criteria of those three funds. In addition, I invite you to look at the renovation fund that we provided for the institutions.

For the first time in a long time in my ministry, we said: "You make the decisions about renovations. This minister does not want to announce the allocation of \$100,000 to repair a roof. We will take the capital allocations, small as they are, create a \$9-million fund and allocate it, based on a formula you agree with. Then you determine what your priorities are. You determine whether it is a roof or the reconstruction of some classroom facilities. You renovate how you see fit."

That was championed by them. They said, "Thank God someone finally recognizes that we are old enough to make our own decisions in this regard." Maybe you are right that it is reflective of the style of the previous government, but I am here to say there is a little bit that is new there as well.

The university excellence fund was not designed to solve all the problems. Admittedly, it does not add to the base, but the criteria are such that it greatly assists base funding problems. It really does. With its flexibility and the way in which it was allocated, there was some relief of pressure on base funding.

In the area of capital, Mr. Allen also mentioned what Edmund Bovey had said about the requirement to dedicate at least one per cent towards renovation. He probably knows, although I do not think he mentioned it, that the value of the installation in the university system is somewhere in the neighbourhood of \$3 billion. We are not doing enough in that area. I concede that and I wish we could do more. I look forward to arguing strenuously within the confines of government for enhanced funding on the capital side.

I think there is a great effect of rejuvenation among all the people at our institutions when they see a new building going up that has been needed for so long, or when they see renovations finally being done that should have been done five years ago. It revitalizes people to see that the institutions are still growing. Have we allocated one per cent? No, we have not. Do we need to do more in the area of capital? Yes, we do.

Mr. Allen: Why do you not work out a formula, even if it is not one per cent of replacement costs?

Hon. Mr. Sorbara: I am not prepared to say at this point—

17:40

Mr. McFadden: On a point of order, Mr. Chairman: I do not mind the minister's response. We have now used more than half the time for estimates, more than four hours, and we have not even started looking at the estimates. We have had opening statements, which is fine. They went on, I would say, at length. Mine was about 16 minutes.

Hon. Mr. Sorbara: Yours was succinct and to the point.

Mr. McFadden: The problem we have now is that we have used more than half the time, we are now in a discussion of what was said in the opening statements, going back and forth, and

we have not even begun item 1 yet. I do not know what kind of estimates process this is, but it is not working. We are not getting down to the job we are supposed to be doing.

The Acting Chairman: I accept your point. Perhaps Mr. Allen could reserve his questions until the minister has completed his response, and we will divide the time and proceed as you wish.

Mr. Allen: Perhaps we could get some precision in the minister's response rather than generalized responses. I asked specifically about a formula and so on. I am quite happy for the chairman to designate what kind of process we are going to follow, but I remind him that nobody has indicated what style of estimates we are following. I have been in this kind of estimates on many occasions. Obviously, Mr. McFadden wants a different style of estimates. Let us then have a debate about estimates and how we will proceed. I consider myself quite in order today, even though you may not.

Hon. Mr. Sorbara: You are not offensive to me; I find you quite acceptable. I am at your disposal, Mr. Chairman. I will try to ignore Mr. Allen's interjections, if you so direct me. I will do anything you want.

The Acting Chairman: Before he left, Mr. Johnston indicated that I should expect you to respond after the critics had completed and that we should then decide how we were going to proceed—divide the time, if we were going to do that—and go on. Will you carry on?

Hon. Mr. Sorbara: Yes, I am prepared to continue, not more than an hour or two.

Let me respond very briefly to Mr. Allen's criticism of the faculty renewal fund. He said it should be \$152 million; we have provided \$84 million. Perhaps it should have been more, but the truth is that we hear from the university community that the fund is working well. He suggested we are not achieving our objectives, that if there is to be high technology at the higher ranks within faculty, salaries at the lower end are inappropriate.

Not once have we ever said, nor have we ever sent out any directive suggesting, that the faculty renewal fund ought to be responsive to the objectives set by the Premier's Council on technology or any other government initiative aimed at making ourselves more technologically relevant. What we have said is that the faculty renewal fund is to hire new people, tenure-track people, to get new people on these campuses, new ideas and, in particular, to get more women

teaching in our institutions. Those are the primary objectives of the fund.

Mr. Allen made a point that the Ministry of Colleges and Universities was somehow requiring the names of the proposed faculty members to be submitted to it. Subsequent to that remark, I saw an editorial in the Kitchener-Waterloo Record, a newspaper for which I have a great deal of respect, by the way—

Mr. Warner: Did it spell your name correctly?

Hon. Mr. Sorbara: It is about the only one. The Globe and Mail does not get it right, but the Kitchener-Waterloo Record does.

The editorial was on the same subject and suggested the Ministry of Colleges and Universities has required universities to submit the names of faculty members who are being proposed to be hired under the faculty renewal fund. That simply is not true; it is wrong. That is not what we are doing.

Mr. Allen: Do universities send in the names?

Hon. Mr. Sorbara: I have no information as to whether—he interjected again, Mr. Chairman.

The Acting Chairman: Just carry on.

Hon. Mr. Sorbara: My answer is that I think some of them did. I am getting whispers from my deputy. The data we have asked to be submitted are age and gender; no names. The day in which the Ministry of Colleges and Universities or the government starts ruling on whether an individual is a suitable candidate to teach in a university institution is the day I do not want to be part of it any more. We are just not into that business.

I sincerely regret that the Kitchener-Waterloo Record would suggest to the people of southwestern Ontario that Queen's Park is ruling on the capacity of an individual to teach at the University of Waterloo, Wilfrid Laurier University or any other institution. We are not doing it, full stop; no more comments.

Mr. Allen suggested he was disappointed to hear that the Treasurer said we are not going to provide \$170 million in incremental funding to the base operations of our universities. If he is disappointed, I am sure the universities are disappointed as well. Although if we had those resources, we would, it is reasonable to say in these estimates that increments to the base in allocations will not total \$170 million.

Mr. Allen also made a number of comparisons about what students should be paying and what they are paying. I did not get all the statistics down, but it does become a little difficult to respond, statistic by statistic. It is an interesting

statistic, by the way, that a medical student pays perhaps five per cent of the cost of his education, while a student who has chosen Canadian literature as his area of concentration probably pays, I am sorry to say, about 25 per cent. Overall, the ratio that exists right now is not going to change dramatically.

The reality is that while funding of the universities historically has been under the rate of inflation, the increments in tuitions in the past 17 or 18 years have been significantly lower than inflation. In other words, if we started at 1968 and tuitions had risen incrementally with inflation over the past 18 years, tuition fees would be substantially higher than they are today.

There is a status quo for tuition fees. For example, in Quebec where tuition fees for university students are around \$550, the people of Quebec think they are just about right. Tuition fees here are around \$1,400, and the people of Ontario think they are just about right. I saw a cross-Canada survey recently in which the people of Canada generally agreed that tuitions paid by university students are just about right now.

The more important point Mr. Allen made was about the issue of accessibility. Does a fee impede accessibility? He made a number of other points about accessibility, but if we just restrict it to fees for a moment, it is not the fees themselves, but the student assistance. If we just talk in financial terms, it is the level of student assistance that will be determinative of whether we have reduced or eliminated financial barriers to post-secondary education.

We are doing work on that right now. There has been some erosion, and we did have an eight per cent increase last year for the Ontario student assistance program. We are undertaking a rather thorough review of the delivery system and of the levels of funding and the way in which it is allocated. I hope one day we will have a contingent repayment program geared to income; that would assist further in reducing the barriers.

However, there is a point I want to make about this. In West Germany, there are no tuition fees for universities, but there is a far more restricted and, if I may use the expression, élite participation at universities. You do not just eliminate tuition fees and expect that you are going to enhance participation.

17:50

Mr. Allen: You have to take account of their secondary system, early vocational decisions, their manpower policies, enrolments in other post-secondary training and education institu-

tions. All that affects claims about comparative university participation rates.

Hon. Mr. Sorbara: You were using statistics. I am just showing you some others. The point I am trying to make is that the question about accessibility is broader than the level of tuition. I think you made that point very well. You recommended that we undertake some thorough research as to who does not participate and why they do not participate.

I will not tell you now that we are going to undertake those studies, but I continue to be concerned that our institutions are not peopled by a broad spectrum of the population as far as students are concerned and that there is some other socioeconomic barrier to participation, particularly among the poor of this province. At the same time, I think the point should be made that Ontario has the highest participation rate in its university institutions of any province in the country.

You made some comments regarding research and the technology fund. You suggested we might consider research in colleges. I am rather doubtful that we should be actively promoting the kind of applied and basic research in community colleges that I think you were alluding to.

Mr. Allen: Not basic, just applied research, partly because they have the capacity, but also to help keep college instructors on top of their fields.

Hon. Mr. Sorbara: Mr. Allen says, "Just applied research." I would still hesitate to say we should get much advantage from it—not that there is not capacity there to do it, but because the demand for research dollars is very extensive. The magic thing about research is that, as you do it and undertake it, it breeds the need for more research. In other words, once you have made a discovery, one of the things you discover is that there are three, four, five, 100 or 1,000 other areas that ought to be investigated. There will never be sufficient resources to carry on research.

As to where our community colleges are at right now, it would not be appropriate to stimulate positively the undertaking of applied research. In a sort of ad hoc way, research is going on all the time, particularly research in the area of education for employment, in researching education itself and in researching the approaches that are needed to ensure the colleges deliver the appropriate kind of education that they have a mandate to deliver. That is not to suggest that it is not going on. In certain instances—I give you the

instance of Sheridan College—there are some very interesting research projects going on.

I will leave for another time the issue of the dismissal of the secretary that Mr. Allen referred to. I hope to have more details about it, and I may respond to it in the context of a question.

I look forward to looking at the study Mr. Allen referred to by Paul Anisef.

In conclusion, I would like to say a few words about one of the issues raised by Mr. Warner concerning community college governance. I believe the suggestion was made that somehow we were not moving fast enough and not getting on with the job. I would say our speed is just right. It is like the porridge that was just right. It is like the bed that was just right. It is like the rocking chair that was just right. What we are going to be coming forward with is a policy that is just right for—

Mr. Allen: The three bears came home.

Mr. Warner: One of us is Goldilocks now.

Mr. Allen: It is always just right until the bears arrive.

Mr. Warner: It was not the speed I was questioning; it was the direction.

Hon. Mr. Sorbara: The bears always arrive from the opposition, but we can bear that.

Just to give him a little bit of information, he was correct in saying that. Mr. Pitman having completed his report, I requested responses, and I requested that the responses be submitted by September 30. My goodness, it is now only October 17—

Clerk of the Committee: It is the 20th.

Hon. Mr. Sorbara: The 20th? My goodness, I have lost three days. It is now only October 20, and we have reviewed all those responses and are in the process of hammering out a policy that I think will really help the community college system evolve towards a more effective system.

What is it going to look like? I will tell you one thing: it is not going to have the three advisory councils that Mr. Pitman recommended. I think that would be unruly and inappropriate and would delay response time rather than improve the efficiency of governance.

I am hopeful that the governance structure will give us a better Council of Regents, a Council of Regents that speaks about the community college system, not for the community college system. I expect this body will become an advisory body with limitations on its previous executive functions and the elimination of some of those. We have the capacity now, particularly as a result of the dialogue that has gone on in community

colleges concerning governance, to move towards greater participation of the internal community and the external community in governance.

We are just shaping that. We had great response. We had a lot of people writing in: boards of governors, presidents, students, interested parties, concerned citizens. We have taken a careful look at that and we have agonized over what steps we should take. It has been a very successful exercise.

Finally, Mr. Warner referred once again to the case of Mr. Gerson at Sheridan College. He says he has not had a response. I am sure I have given him a response, but later on during these estimates I will give a fuller response to the issue he raised.

Just as the Ministry of Colleges and Universities will not get into the business of selecting who should teach and who should not teach in universities, it will not get into the business of second-guessing the decisions of administrators concerning hirings and dismissals. There is a whole process out there. We are a society that is governed by rules. If the rules are wrong, it is the obligation of the government to change those rules. But simply to interpose myself into those rules to avoid a question in question period would not be an appropriate tactic. Therefore, we will have some questions on that. I have just been handed a briefing note, but I am sure you will want to raise a question.

I have not eaten up all the time till 6:30, but I have very much enjoyed responding to the comments made by my critics, many of which were very constructive and helpful, as they always are.

The Acting Chairman: I gather that, according to the standing orders, at this point, before I go to you, Mr. Baetz—I have not forgotten you—we need to invite some direction to the chair as to how you wish to proceed, whether you wish to divide time or what procedure you wish to follow.

Mr. McFadden: I am not against a time allocation here. It is just that I do not think an even balance between parties would be fair at this point. I do not know whether the Liberal members intend to raise questions; I assume they probably do. The problem here to date is that the amount of time we have taken in the first four and a half hours is probably 20 minutes. The minister has given an excellent opening statement and summary at the end, but our time, in terms of opening statements, etc., has been in the ratio of five, six or seven to one. Not only do I intend to

participate here, but so do Mr. Baetz and Mr. Jackson tomorrow, so we are not agreeable to a strict 50-50 sharing or something of that nature, because that does not reflect the way things have gone to date.

18:00

If we had followed the same pattern, we would have used up the whole time of this committee with opening statements, etc. I suggest if we are going to have an allocation, it should reflect the amount of time taken so far in the estimates discussion of this first four and a half hours.

Mr. Warner: If it is of any help, I took about 20 minutes and I do not need any more time. Originally, I thought of using perhaps another 10 minutes on particular items when we went through them, but I am prepared to give that up as well. Your point is well taken. I have no problem with that. I will deal with some of the other items I have on my list in another way. It is no problem for me.

Mr. Allen: It is unfortunate that Mr. McFadden only took 15 or 20 minutes in his opening statement, but he could have taken longer. I do not see that he has a legitimate grievance. As we go through the votes, I will raise questions. They may be fewer or more than his, and that is presumably the way it will play itself out.

I do not think the chairman is going to tell me or any other member that I can ask only one question and Mr. McFadden can ask six on each vote as we go through. I do not understand how one can get into some kind of time allocation process from this point on in the estimates. It might have been better had the steering committee worked out some time allocation and said: "All right. The critics will have so much time, the minister will have so much time, the response from the minister," etc. That might have obviated this problem, but I cannot see there is a very legitimate way of redressing the time factor.

The Acting Chairman: I note that standing order 53(b) allows the chairman to apportion the time available among the minister, the critics and the other members of the committee. Perhaps I can take note of your comments, Mr. McFadden, and pass them on to Mr. Johnston when he returns. We can keep that in mind as we proceed and try to make sure you get the maximum opportunity possible to question particular items as we deal with them.

Hon. Mr. Sorbara: If it would be helpful to Mr. McFadden, I promise to be as long-winded as possible in responding to his questions.

Mr. McFadden: I knew I could count on that.

Hon. Mr. Sorbara: I will save my "yes" or "no" answers for Dr. Allen or Mr. Warner.

Mr. McFadden: Without meaning to belabour this and eat into more time, I have the rather quaint and unusual view that estimates are times for the government of the day, whoever it happens to be, to account for spending. The taxpayer normally expects that to be the case, although the taxpayer is not well acquainted with the traditions and practices of this assembly. Perhaps we should not expect such a thing to happen here. Maybe I should have raised this at the very beginning, but it seems to me that the estimates process should be oriented towards the votes and items in here and the accounting of money rather than general principles. That would better serve the taxpayer.

Having said that, we should get on with it and secure whatever answers we can in the limited minutes we have available to us.

Mr. Baetz: I assure my colleague the critic that I shall be brief. My comments are of a general nature and have been stimulated by some of Mr. Warner's earlier comments. You will recall that I agreed to play by the rules and wait for the minister's remarks, and I am glad I did. I was stimulated by Mr. Warner's observation that there was a great darkness and chaos over this land of Ontario for about 20 years.

Mr. Warner: I did not say "chaos." I may have said "darkness."

The Acting Chairman: Careful, Mr. Warner. You are eating into your 10 minutes.

Mr. Baetz: Darkness, inactivity, stagnation or whatever. I was going to argue with that, and I will, but I do not have to do that nearly as aggressively as I might have because the minister was good and honest enough to congratulate the former administration for creating what he called an outstanding system over the past 20 or 25 years. I was delighted to hear that. With the appropriate modesty we can exude, we will accept that congratulation.

I can only believe that perhaps Mr. Warner got carried away a little. We are not going to develop what I might regard as the mentality of the perennial opposition. We do not need to; we do not intend to use that. I felt that the sweeping judgement about stagnation over all these years was inaccurate and unfair, and I am glad to see the minister agrees with me.

Mr. Warner: Maybe he is a Tory too.

Mr. Baetz: To get a proper perspective as we look at the situation of universities and colleges

these days, we have to know where we are but also whence we have come and where we aspire to go. On that note, because the minister has referred to his going out to talk to various presidents of universities and colleges and so forth, I would like to refer in an anecdotal way to one situation in Ontario that I happen to know very well. It tells us something about where we have come from in the past 25 years, during this enormous state of stagnation and darkness.

I will refer to what has happened in Waterloo, because the deputy minister, Mr. Adlington, knows that situation very well. If I exaggerate, he will tell the minister: "This man is exaggerating. Do not listen to him." What has happened in Waterloo is something that has happened in a number of other localities.

Back in the late 1950s, I was a member of the board of directors of Waterloo Lutheran University. In those days, a few of us—Dr. Hagey, president of Waterloo Lutheran University, and others—started to talk about the University of Waterloo. It was a gleam in the eye. As we know, it came into fruition.

A few of us—in the minority I admit—felt we should have only one university in Waterloo, not two. Anyway, we now have two. The thing that impresses me is that just two weeks ago—I admit to a conflict of interest here—my son, who is a professor at Wilfrid Laurier, took me for a stroll through the campuses of Wilfrid Laurier and Waterloo universities. I am sure Dr. Adlington would say the same thing; that what has happened there was beyond the wildest imagination of any of us who sat on the board at Waterloo Lutheran University not too many years ago. It is a miracle. Unless it is a mirage that I see, there has not been darkness; there has been tremendous growth.

Dr. Wright, the president, who was my former deputy minister, will tell you when he comes to the ministry how terrible things are and how much more money he needs, but he can also speak at great length about the tremendous progress that has been made at Waterloo University and that it is—in the words the present government likes to use—"a world-class university." A lot has happened.

In conclusion, while I was delighted to hear the congratulations by the minister, I have some problem with his comments that the previous administration lost enthusiasm at the wrong time. I disagree with that. We should be reminded that from 1980 to 1984, this province and this country experienced a very mean and sharp recession. The revenues were not coming in. We had the

worst recession—we did not want to call it a depression—since the Dirty Thirties. The funds were very limited and a good government had to operate within those restrictions. As we all know, the economy has, thank God, done a turnaround. The coffers are swelling. There is a windfall of some \$800 million. The government has a lot of new revenue to work with.

18:10

As far as our party is concerned, we are going to be watching with a very close eye to see whether this minister gets for universities and colleges his fair share of the new, swollen revenues. Our leader has already indicated what we think the fair share is and we want to go on record as saying that we will listen carefully, but in the final analysis, as an ex-minister I can say it is dog eat dog at the policy and priorities session and we will be watching how successful this minister is. We will support him, criticize him and be behind him, but we are convinced as a party that the time has come to expand funding for universities and that the funds are available. There is no excuse if the funding does not come.

Do you see what you stimulated, Mr. Warner?

Mr. Warner: I have a useful purpose, then.

Hon. Mr. Sorbara: Perhaps I can comment for a moment.

Mr. Andrewes: How could you, after that?

Hon. Mr. Sorbara: I want to tell Mr. Baetz that not all the money is going to be spent on universities. Part of it will have to be used to purchase traffic lights for the road to Damascus, which is getting extremely crowded. I am glad to see he is on it and that he is a convert.

Mr. G. I. Miller: I have been listening quite intently this afternoon. I am impressed by the response the minister gave us. There is a fresh wind blowing across Ontario. Although there are some dark spots, as Mr. Baetz pointed out, the economy is growing. I do not know what area you come from, Mr. Baetz. I do know that while there are some areas of bright sunshine, there are areas of real concern. It was expressed well in the House today about northern Ontario, about the agricultural industry and about the opportunity our young people have to get an education. The Ontario student assistance program was kind of glossed over by the critics. It was not done in any great depth, but I expect it will be before the estimates are over.

That is an area that has come to my attention for a lot of years now. There is abuse in the system. I have no facts and I do not intend to dig for them, but I listen to what young people say.

Some people have been able to get student loans and use them for travelling or for buying cars. There are people who can afford to finance it. There are other people we have heard of who cannot get loans because they are farmers and have too many assets. There are single-parent mothers who are not able to justify it. This is an area we should be looking at very carefully.

I like the comment the minister made that it is not a human resource we are trying to develop; it is a human talent. The lower end of the scale is the area that needs the help to use those tools to make a living. That concern has been expressed to me by the students themselves. I think you mentioned briefly, Minister, that it is being reviewed. It needs an in-depth study to make sure that all levels can have access on an open basis.

The other area of concern I would like to express myself on is the agricultural industry. Young people need to be encouraged. If the economy picks up, they will be encouraged. If they can see light at the end of the tunnel, they will take those opportunities. It needs a higher priority because it provides one job in five in Ontario. It is an industry we should be proud of and not look down on as being on the low end of the scale. The fact that we have to harvest our crops and we cannot find the employees or encourage our own people to harvest our crops bothers me. I know we have to bring in offshore people to do some of those jobs, but it is an area that we can emphasize in our education system.

As the parliamentary assistant to the Minister of Agriculture and Food (Mr. Riddell), I would like to think that the colleges and universities could work closely with the Ministry of Agriculture and Food to develop a stronger base in that area. That is where it really bothered me, Mr. Baetz, when you made those comments.

Some areas are doing well; the coffers are perhaps looking good in Ontario. But we have to take a look at this broad section and support it. The minister is doing that. I appreciate the response you gave to both critics and I look forward, as Mr. McFadden indicated, to looking at our expenditures and listening to the opposition in order to improve, which is important, and to ensure that we spend our money wisely.

I do not think there is a problem as far as the members on the government side are concerned. If we have questions, I am sure we will be making them available to the minister through the chairman, and we can divide the time up so that it will be constructive.

Hon. Mr. Sorbara: Now there is a constructive comment. I appreciate the comments Mr.

Miller has made. It is not appropriate now, but I do hope that later on during these hearings I can call upon Mr. Clarkson, who is responsible for student programs within the ministry, to give the members of this committee a detailed account of what is happening in the area of review of our student assistance program. It is probably not appropriate to do that now.

I will just say a word about Mr. Miller's comments as far as the agricultural community is concerned. Education and advances in education are as important and relevant to the agricultural community as they are to any other aspect of Ontario's economy, whether it be the scientific research that goes on at the University of Guelph, the teaching that goes on at a number of our community colleges in terms of business management for the farming community, the various agricultural programs that are available through the Ministry of Agriculture and Food or whatever. Indeed, education in the area of technology is very relevant to the agricultural community because new technologies are impacting on the way in which farmers do their work.

Computers are now a reality for farmers, as is their ability to be aware of markets through computer technology and those sorts of instant linkups that our farming community now needs. I welcome the member's assistance and the input of all members who have a special link with the agricultural community to assist us in the process of making the initiatives that we undertake within the Ministry of Colleges and Universities more relevant to that community.

My own wife is the daughter of a dairy farmer, and I learned one heck of a lot from her father. Although I have never been an active farmer, I have learned one heck of a lot about that community. I have a sense that if the problems of our agricultural community are to be resolved, part of that resolution is going to emerge through the education process and through developing education programs that are responsive to the needs of farmers right across the province. It has to be done.

18:20

The Acting Chairman: Thank you. Any further questions or comments?

On vote 2801, ministry administration program:

Mr. McFadden: Yes. Mr. Chairman, through you to the minister, what is the reason for the rather erratic pattern here? The estimates in each category are considerably different from the actuals. I am talking about the 1985-86 estimates.

You will notice the estimates and actuals consistently have the actuals less than the estimates. Then we move on to the 1986-87 estimates, and in at least some of the categories there is a tendency for the estimates for 1986-87 to be similar to the 1985-86 estimates. Is this a function of the reorganization of the ministry and various related charges?

Hon. Mr. Sorbara: Can I ask which page?

Mr. McFadden: I am sorry. I am on vote 2801, item 1, main office, activity financial summary; page 11. I am curious to know why this pattern exists.

You will notice for salaries, benefits, transportation—the whole group—in the 1985-86 estimates, the actuals in general are noticeably less than the estimates. In the 1986-87 estimates, I notice a lot of the figures in terms of salaries and benefits are going back up to where they were originally in the 1985-86 estimates, while the estimates for 1986-87 in other categories are considerably less than the actuals for 1985-86. I am curious to know why that pattern appears in here. Is that a function of reorganization? What is the reason for that?

Hon. Mr. Sorbara: Here is an instance where we had better call on the experts to shed a little light on that. This is item 1, the main office. Perhaps Phil Baldwin could shed some light on that.

Mr. Baldwin: When we were provided the moneys in 1985-86, it was for part of the year for the deputy minister's office. We did not spend it all. In 1986-87, funds were provided only for the salaries and benefits. The other amounts, in transportation and communications, services, supplies and equipment, were to be provided following the completion of the internal reorganization of the office.

Mr. McFadden: In other words, the transportation and communications bulge in the 1985-86 estimates was a function of reorganization and the drop to \$12,800 indicates this reorganization is on its way through? Or are you saying there will be supplementary estimates for additional funds provided for transportation and communications later in the year as you determine what you will need?

Mr. Baldwin: That is right; the latter. We are expecting more funds will be required once we work out the details of the requirement of the office.

Hon. Mr. Sorbara: When I took office on June 26, 1985, although there did exist in theory a Ministry of Colleges and Universities, the

reality was that there was not a clearly functioning ministry. There had been an integration of the Ministry of Education and the Ministry of Colleges and Universities, such that upon taking office we had to create a fully operative ministry in recognition of the new priorities for post-secondary education.

I do not know how figures actually work, but I should tell my colleague the member for Eglinton that we have been working rather diligently to create a full-fledged operating Ministry of Colleges and Universities.

Mr. McFadden: I have a second question related to that item as well. Salaries are in a bulk figure there. One of the things that struck me—and it has worried me even with public companies—is that Canadian corporations like to hide what their officers are making, unlike other jurisdictions. I wonder whether I can get an idea, in round figures, of the relative salary levels of the deputy minister and the assistant deputy ministers. What are we looking at under those categories, please?

Hon. Mr. Sorbara: More than mine, certainly. Mr. Chairman, is that an appropriate question for estimates? Do you know? Perhaps our comptroller would know.

Mr. McFadden: I gather it is public knowledge. I do not necessarily want to know to the last dime; I would like to know the rough figures. If there is some problem—

The Acting Chairman: I am told the question is quite appropriate.

Hon. Mr. Sorbara: I do not know the answer.

Mr. Adlington: I do not have the exact salaries in my head, and I am embarrassed to say I am most uncertain about my own, of the three. I believe the two assistant deputy ministers are at the top of the range for assistant deputy minister, at the CP-5 level. They are both here; they may correct me if I am wrong. Am I right?

Mr. Fram: Yes.

Hon. Mr. Sorbara: The truth is, they make less than they are worth and more than we can afford.

Mr. McFadden: That is true of everybody in the House. I am curious to know, what is the CP-5 range?

Mr. Adlington: The CP-5 range is \$69,500 to \$79,200.

Mr. McFadden: That is for the assistant deputy ministers. I assume the deputy—

Mr. Adlington: I will provide you with my own when I know it.

Mr. McFadden: I was really trying to get the salary range.

Mr. Adlington: If I had brought my last pay slip, I could identify the salary range.

Mr. McFadden: One other item relating to main office is on page 17. We have an item entitled "transcript payments." It is quite a modest amount, \$39,100, provided in the 1986-87 estimates. According to the note at the bottom, this was a grant that had been funded in previous years through the Ministry of Education. I notice the allocation is entitled "miscellaneous grants." The note says, "The grants are paid to organizations in amounts directed by the minister." Then in funding criteria, at the bottom, it sets out various types of programs that will be funded.

The first thing I found strange is the phrase "directed by the minister." I assume that means it is under the minister's discretion but presumably not totally at his option. Second, I am curious to know how these grants are allocated by the minister and on whose advice. Third, the various funding criteria would indicate grants and funding of some size, yet there is a sum of only \$39,100 provided.

Is this another area where supplementary estimates will come into play? To what exactly does this category of miscellaneous grants relate? What is this funding?

Hon. Mr. Sorbara: The fund is very small. Any grant made out of this fund invariably comes by way of a recommendation from the ministry that a grant be allocated. I believe I recall confirming one or two such grants to support activities such as the holding of a conference or some such thing. The reference that it must be approved by the minister simply means that I ultimately have to sign for it. No application that would be eligible would emanate from my office. It generally comes as a request to the ministry to support a conference or something.

18:30

Mr. McFadden: What size are the grants? I take it you are indicating here that they must be quite small, because it is not a very large amount. I think I am expecting a supplementary estimate. What is going on here?

Hon. Mr. Sorbara: I think I recall one that was in the neighbourhood of—

Mr. Adlington: It runs from \$1,500 to \$10,000.

Hon. Mr. Sorbara: Let us go through a few of these. I think I am quoting from the right area,

"miscellaneous grants." Let me confirm: are these grants that have already been made?

Mr. Baldwin: This is the proration of the grants from last year. These are the amounts that were provided by the Ministry of Colleges and Universities. We can provide a list of those that have been made, if the minister so decides.

Mr. Adlington: For this year.

Mr. Baldwin: Yes.

Hon. Mr. Sorbara: Let me give the member for Eglinton some names and numbers for 1985-86: the Canadian Vocational Association, \$6,600; the Ontario Association for Continuing Education, \$12,000; the Royal Canadian Institute, \$3,600; the Royal Society of Canada, \$3,600; provision for projects, \$10,000—and there is a note on that on inflation protection of four per cent, \$1,500.

That gives you the flavour of the organizations that have received grants out of miscellaneous grants through the Ministry of Education in 1985-86. Is that correct?

Mr. Adlington: The structure and the process we have for dealing with this has been in place for some time. It is a very modest amount. We are looking at whether the amount, the structure and the process are appropriate for the future, the way we are doing it and the kind of money we are spending; typically, the kind of grants we are making have been consistent for the past few years.

Mr. McFadden: What attracted me was the unusual name, "miscellaneous grants." Does someone actually apply to the miscellaneous grants branch?

Hon. Mr. Sorbara: Let me answer that. Letters come into the Ministry of Colleges and Universities and to me, as minister, saying, "Would it not be lovely if you provided a grant to hold the conference in the Eglinton riding in the province," and stuff such as that. They are very numerous. In virtually all cases, we have to say no, but in some instances there is a very small fund, \$39,100, which allows us to respond positively on a very few occasions.

As you know, most of the funds available to the Ministry of Colleges and Universities leave by way of transfer payments to institutions. This is a very small fund, which goes to organizations such as the ones I have just mentioned.

The Acting Chairman: I see that we are at the hour of adjournment.

Mr. Allen: Before you adjourn, the major item under transfer of payments is for the Canadian Institute for Advanced Research. I believe Dr. Fraser Mustard is in charge of that institution. It is a fairly recent institution, is it not?

Hon. Mr. Sorbara: I understand the institute is two or three years old.

Mr. Allen: It is fairly recent, in other words. Since this is a fairly significant amount of money, the largest amount in the transfer payments under main office, would it be possible for us to have Dr. Mustard here to give us a review of the activities, the prospectus of that institution, what that amount of money can do and perhaps what he would prefer we aim at in terms of future budgeting?

Hon. Mr. Sorbara: I am not sure of the availability of Dr. Mustard to participate in these estimates over the next couple of days. What I might do in response to Dr. Allen's question is to bring some hard information on the institute to our next estimates hearing. After having reviewed that, he might consider whether he still wants to have Dr. Mustard appear before the committee.

Mr. Allen: I know Dr. Mustard has some outspoken views on research and research needs in this province and country. It would be helpful for a committee that is reviewing the estimates of the Ministry of Colleges and Universities to have him present.

For example, I note that in the estimates for the Ministry of Citizenship and Culture it is fairly common to have the director of TVOntario—Jim Parr in the past and Bernard Ostry at present—to come and be available for questions and comments with respect to that part of the ministry's budgeting.

It would be very appropriate for us to have Dr. Mustard with us if he can possibly attend. I would rather have that happen than go the route you suggest. Can the invitation be made? If he cannot come, then we will have to fall back on something second best. Could we do that?

Hon. Mr. Sorbara: We will approach Dr. Mustard to see whether he might join us at a specific time during the course of the balance of the hearings, but I cannot assure the member at this point that he will be available.

The Acting Chairman: We will adjourn until tomorrow after routine proceedings.

The committee adjourned at 6:36 p.m.

CONTENTS

Monday, October 20, 1986

Opening statements: Mr. Allen	S-549
Mr. Warner	S-553
Ministry administration program:	S-569
Main office	S-569
Adjournment	S-571

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Andrewes, P. W. (Lincoln PC)
 Baetz, R. C. (Ottawa West PC)
 Grande, T. (Oakwood NDP)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 McFadden, D. J. (Eglinton PC)
 Miller, G. I. (Haldimand-Norfolk L)
 Offer, S. (Mississauga North L)
 Warner, D. W. (Scarborough-Ellesmere NDP)

Witnesses:

From the Ministry of Colleges and Universities:

Sorbara, Hon. G. S., Minister of Colleges and Universities and Minister of Skills Development
 (York North L)
 Adlington, A. K., Deputy Minister

From the Ministry of Education:

Baldwin, P. C., Program Analyst, Financial Management and Control



No. S-24

Hansard

Official Report of Debates

Legislative Assembly of Ontario

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Standing Committee on Social Development

Estimates, Ministry of Colleges and Universities

Second Session, 33rd Parliament

Tuesday, October 21, 1986

Speaker: Honourable H. A. Edighoffer

Clerk of the House: C. L. DesRosiers

Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Tuesday, October 21, 1986

The committee met at 3:48 p.m. in committee room 1.

ESTIMATES, MINISTRY OF COLLEGES AND UNIVERSITIES (continued)

Mr. Chairman: I call the meeting to order. I will pretend I still see a quorum, which may have just disappeared.

Hon. Mr. Sorbara: Might we have a little discussion about timing before we begin today's estimates hearing? In particular, I have yet another request for an opportunity to step out for a while on Thursday to continue my very interesting discussions with a committee of cabinet. I think my notes say that would be at about 4:30 p.m.

It might be opportune at that time for certain questions to be put to the deputy minister or to officials of the ministry concerning various technical matters that I am not competent or capable of answering. We might also have a chat about the estimates of the Ministry of Skills Development, including my suggestion that we make arrangements to start on Tuesday and perhaps forego a couple of hours, inasmuch as 10 hours have been allotted. I know the committee members will want to have an exhaustive examination of the Skills Development estimates, but my sense is that we could do it appropriately in eight hours, particularly if I keep my answers short and sweet.

Mr. Chairman: Perhaps we can deal with these things separately. The first is about how we would like to proceed on Thursday because the minister has an appointment at 4:30 p.m. The minister's suggestion is that this might be a time the critics might like to reserve to call certain witnesses forward to discuss matters with them.

Mr. McFadden: I notice that we have about three hours—

Mr. Chairman: Virtually four hours.

Mr. McFadden: Virtually four hours to go. How long will the minister be out? Will it be for about half an hour?

Hon. Mr. Sorbara: My sense is that it will be for half an hour. I do not know whether it is permitted under committee rules but I would be willing to carry on beyond 6:30 p.m. to complete

the estimates of the Ministry of Colleges and Universities on that day. We should endeavour to get them out of the way.

Mr. McFadden: I do not think we will have any trouble. We will have better than two and a half hours today. If you add Thursday, we will have no trouble achieving our objective by the end of Thursday even if you are out for a while. I am sure the deputy ministry would be very pleased to answer all our questions.

Hon. Mr. Sorbara: The deputy minister may be going with me but there are very competent officials to answer—

Mr. Warner: Maybe we can finish before you leave?

Hon. Mr. Sorbara: Maybe we can.

Mr. Warner: There is enough time.

Mr. Chairman: We would have approximately an hour and 18 minutes and 33 seconds to finish. We will have lots of time so you might want to take a recess for half an hour or whatever.

Hon. Mr. Sorbara: They might not be quite ready for me at 4:30 p.m. Perhaps we can carry on here until I get a nod from upstairs that my presence is required. We might be all finished. I would suggest we complete these estimates and then proceed on to the Skills Development estimates.

Mr. Chairman: The other option would be for you to let them know that we have only an hour and 18 minutes of your estimates remaining, and that rescheduling it for 5:30 p.m. would allow us to complete them before the meeting. Actually, we can play it by ear and see what happens.

Hon. Mr. Sorbara: Okay.

Mr. Chairman: There is another matter about next week. There are a number of elements to this. I do not know the Conservative caucus's response. Mr. McFadden, I do not know whether you discussed this today in your caucus. There has been a suggestion that the Toronto Hospital Act on the amalgamation of Toronto Western Hospital and Toronto General Hospital be brought forward this week, for reasons of preparing the board or whatever, and that we might be asked to hold public hearings for two days next week.

If that were the case it might be possible to waive the normal five-day rule—this is all hypothetical—and hold those hearings on Monday and Tuesday next week and then start the Skills Development estimates following that. That is another variable in the hopper. If that is not the case, the minister recommends we start the Skills Development estimates on Tuesday and perhaps drop two hours. Unfortunately, we do not have the Conservative critic here at this time, but I had a short chat with Mr. Jackson about this yesterday.

Mr. McFadden: I raised it with him as well. We did not raise it at caucus today. We had a number of other matters. I am not exactly sure where the conflict is. Are David Warner and Cam Jackson going to the same meeting?

Mr. Warner: Cam is not.

Mr. Chairman: Two different meetings.

Mr. McFadden: Two different meetings.

Mr. Warner: Mr. Treleaven, Mr. Bossy and I are the members who are leaving. We will be away Monday, Tuesday and Wednesday. I will be here Thursday. The committee does not sit on Wednesday. It sits Monday, Tuesday and Thursday. All I requested was that I be allotted two hours maximum; it will not go a second over that. I do not need to be here at the outset although it is obviously a courtesy to be here. The minister always extends that courtesy to me and to other members. I should be here, but I cannot.

Mr. Chairman: I recommend that we ask you to take the minister's suggestion back to Mr. Jackson and that we deal with this first thing tomorrow.

Mr. Warner: That is fine.

On vote 2801, ministry administration program; item 1, main office:

Mr. Chairman: I was not here when we concluded yesterday.

Hon. Mr. Sorbara: The final item of business raised yesterday was a request by Dr. Allen that in the light of the specific grant to the Canadian Institute for Advanced Research under the direction of Fraser Mustard, it might be appropriate for Dr. Mustard to appear before the committee and answer the committee's questions about that grant and the work of the institute, which I point out is a marvellous venture chaired and directed by one of the most competent scientists and individuals I have met in my 18 months of office.

We put a request to Dr. Mustard to consider being available. Regrettably, he has a long-standing commitment in Vancouver on Thurs-

day. My understanding is that it is at the minister's discretion whether to require a witness to be here. In the circumstances I say to Dr. Allen that although it would have been important for the committee to have had an opportunity to discuss the institute with Dr. Mustard, I am not prepared to have him rearrange his long-standing commitments so as to appear here, but he is on notice.

The grant will continue if I have anything to do with it. It is very important work undertaking basic research in some fundamental areas that are approached in a dramatically new way for Canada. It would be entirely appropriate for the committee reviewing the estimates of the ministry to have an opportunity to talk to Dr. Mustard. I will keep it in mind and invite him to be available the next time a committee of the Legislature reviews our estimates.

Mr. Chairman: By tradition or convention, under the usual procedure it is the minister's prerogative to decide whom he will bring to assist him. It is also possible under standing orders for the majority of the committee to require the assistance of anybody it chooses and to make that request. Given that we are running out of time as of Thursday, that does not sound like a very practical thing to do at this stage. Outside the specific estimates, you do not have the right to ask anybody to come in unless we have ordered our business and have the agreement of the House to do so. I think it was Mr. Allen who made the request. If you wish, you can put questions on the record and request that they be responded to. Knowing Dr. Mustard's general attitude on these things, I am sure he would be happy to try to comply. Is there anything further you would like to say?

16:00

Mr. Allen: I will be happy to do that. Yesterday, the minister also indicated that he would be prepared to table with the committee a report, I presume the annual report, of the institute and any further relevant documents that might be helpful for the committee to understand the work of the institute and Dr. Mustard's views with respect to the research needs of the province and the nation. I will be happy to compose some specific questions that I can direct to Dr. Mustard. I know he has some very pronounced views with respect to the needs of this country and this province. It would be very useful for him to have an avenue to convey those concerns to the Legislature through this committee as a result of his own experience and research in the field.

Mr. Chairman: Is there anything further? Item 1 agreed to.

Vote 2801 agreed to.

On vote 2802, university support program:

Mr. Chairman: Is there any discussion?

Mr. McFadden: I have several matters. On page 21, there is a provision entitled "Less: Special Warrant." Can the minister explain what that pertains to? It says, "Total for University Support" and then there is a provision, "Less: Special Warrant."

Hon. Mr. Sorbara: Yes.

Mr. McFadden: Some of them may become less. I am curious to know what that pertains to.

Hon. Mr. Sorbara: I will give some opening comments on that and then call upon one of my officials to explain the procedure in more detail. My understanding is that these special warrants arise when funds have not been provided through the regular process and, therefore, it requires a special warrant of the Lieutenant Governor or some individual such as that. That is my understanding of it. Let us have some more detail from David Lyon, our director of finance.

Mr. Lyon: Perhaps I can read into the record from the manual of the Treasury. A special warrant is described as follows:

"Where a ministry has not estimated a particular need and no appropriation of moneys has been made for the purpose, there is a unique provision under section 4 of the Management Board of Cabinet Act to seek a special warrant. There are, however, certain preconditions which must be met before a special warrant may be sought.

"1. The Legislature must be prorogued.

"2. The expenditure must be unforeseen and urgently required for the public good.

"3. There must be no existing appropriation of money for the expenditure."

I will not read the rest, but at the time the estimates were compiled, the Legislature was prorogued.

Mr. McFadden: In the 1986-87 estimates, you show a special warrant for \$225 million. That is looking ahead or at least it is in the current year. I am curious to know what that was spent on that was not anticipated by the government initially.

Mr. Lyon: Most of that money is for operating grants to the universities.

Mr. McFadden: Why was that not anticipated at the start of the year? Did the formula not anticipate the enrolment? What was the reason for that?

Mr. Lyon: The government had no authority to expend the money short of a special warrant because the Legislature was prorogued. At that time, it was not possible for the government to bring in an interim supply bill.

Mr. McFadden: They would all pertain to the operating grants.

Mr. Lyon: Yes, for that vote.

Mr. McFadden: The formula grants.

Mr. Lyon: Most of it; the bulk of the \$225 million.

Mr. McFadden: The formula grants.

Mr. Lyon: The formula grants.

Mr. McFadden: Where would the others come in?

Mr. Lyon: A small portion is for the operation of the branch responsible for the salaries, wages, employee benefits and various other kinds of expenditures. If you look at the details on page 22, you will see the total expenditures of the branch come to some \$1.5 million or \$1.6 million. As to the \$225 million, I would expect about one quarter or less to cover the period during which the branch would have to operate.

Mr. McFadden: We are dealing here with a total budget—I am looking at programs and activities, university support program—of roughly \$1.4 billion. The special warrants represent a significant percentage of the total amount. It seems a very large percentage of the total budget was not anticipated at the start of the year. That is what I find a bit strange, that special warrants were required for such a large percentage of the budget. You have a real problem, as I understand it from what you say, in determining operating grants for universities using the formula. Is that what we are hearing? Someone is shaking his head over there.

Mr. Lyon: That is not the purpose of the special warrant. The total budget for the fiscal year 1986-87 had been estimated at \$1.4 billion. If the House is in session, normally the Treasurer (Mr. Nixon) would introduce an interim supply bill to obtain spending authority. Since the House was prorogued, there was no spending authority. This is the measure provided under the Management Board of Cabinet Act to enable the ministry to obtain some funds for a short period until the Treasurer can introduce the interim supply bill.

Mr. McFadden: Can I ask another question on the funding? I could not get a breakdown in advance. This is a question I have. The established programs financing transfers to Ontario from the federal government, as I under-

stand it, under 1986-87 were about \$2.9 billion. Correct me if I am wrong. That is a figure I have and I am not sure it is accurate. What part of the total EPF grants from the federal government were allocated for support of higher education?

Hon. Mr. Sorbara: I did not get your figure. Was it \$2.9 billion?

Mr. McFadden: That is the figure I have. I am just trying to confirm its accuracy. It is my understanding from reading the documents and from what I could tell from my staff that the total EPF funding to the province was \$2.9 billion. That figure may be off. First, is that an accurate figure? Second, of whatever EPF funding we got, what amount was earmarked for post-secondary education?

Hon. Mr. Sorbara: I will make some initial comments. I cannot confirm your figure. At this point I will introduce Rodger Cummins, directly to my left, who is with the ministry and will shed some additional light on the weird and wonderful world of established programs financing.

Allocations coming to the provincial government under EPF go into the consolidated revenue fund, although they have a designation when they leave the federal government. That designation is not particularly—what is the right word?—respected in the sense that Ontario does not feel subject to an obligation to spend those funds in areas designated by the federal government. There is an ongoing debate about the extent to which the federal government has authority to require spending in certain areas.

16:10

As members know, historically our party has always been concerned about underspending in the area of post-secondary education with respect to the established programs financing transfers. It is important to point out that those transfers are in respect of post-secondary education in Ontario. That includes the college system, the university system and spending for Ontario's grade 13 program, which is a post-secondary program for the purposes of established programs financing.

With that introduction, I will ask Rodger Cummins to shed a little more light and perhaps some detail on that weird and wonderful world.

Mr. Cummins: I cannot answer. I will have to go to Treasury officials to get the exact amount the established programs financing yielded.

In 1977, the government of the time put together health and post-secondary education as one transfer made up of two components: tax points that were yielded to the province and cash

payments. As the minister has said, they go into the consolidated revenue fund of Ontario. We will have to ask Treasury for the precise amount the province has received from the established programs financing source. We find it very difficult to agree upon any apportionment of the yield between health and post-secondary education because of the previous understanding that these two transfers were combined.

Mr. McFadden: This is what I find very strange about this whole debate on established programs financing. On the one hand, there has been a criticism over the years that the provincial government had not allocated all these "earmarked" funds to the post-secondary education system. Mr. Cummins has indicated that the confusion was that for quite a number of years this money was not as clearly allocated as some people might have thought. On the other hand, as I understand it, the Nielsen task force felt it was clear enough that the provinces should be required to spend the money that had at least some designation for post-secondary education on post-secondary education.

My concern is that confusion continues to reign within your ministry about what it should have today from the money the federal government has transferred to the province in this matter. I can understand the confusion, because I know the Treasury has its own way of managing things. I know it winds up in consolidated revenue. I am trying to figure out where we stand now. There was that recommendation by the Nielsen task force. I am curious to know whether, as of today, the province might be allocating all the funds the federal government thinks are earmarked for post-secondary education.

Hon. Mr. Sorbara: Without having hard figures to present to the committee, and I will certainly undertake to get those hard figures and present them, my understanding is that at this point we are spending EPF transfers with respect to post-secondary education—that is, the increments made available—fully on post-secondary education. Our commitment in that regard was made clear, and I think we have fulfilled that commitment under our various programs.

We are looking at the history of a regime that is not without its complications. Historically, the federal government simply paid 50 per cent of what provinces were spending on post-secondary education. That was in the great heyday of full federal and provincial coffers. That regime existed until the mid-1960s. A new regime was brought in, the predecessor of the current

established programs financing, in which a kind of targeting was adopted.

The percentages of the EPF transfers adopted in 1975-76 were that 32.1 per cent was to be spent on post-secondary education and 67.9 per cent on health. That was an effort by the federal government to get more political clout and somehow rein in its spending in those two very expensive areas in an atmosphere where revenues were shrinking at both levels. That approach gives some grave concern to any and every provincial government because you have a direction from the federal government to spend in a particular area.

Although the resources of the federal government and its obligation to create equality through equalization payments so that every Canadian province has the same level of services to its people are fundamental to Confederation, there is a difficulty when it says: "You have to spend a certain amount of money. This money must be spent on post-secondary education and you have to meet it with the levels at which you spend."

There are some problems with post-secondary education; for example, in a case where the EPF transfer represents 108 per cent of what you are spending. In other words, not only is there no 50-50 commitment, but the province is not spending all it gets in the EPF transfer on post-secondary education and it is spending nothing of its own. That is why you get 108 per cent. I cannot tell you the percentage now, whether we have matched exactly what the federal government is transferring for post-secondary education. My deputy tells me not by their definition, but by ours we are.

When we get into these exercises, the federal government never says, "You are spending too much money on health." Obviously it is the health budget of every province which has skewed the mix and put serious demands and pressures on the provincial treasuries.

The other dynamic is that so much of this exercise resides and is conducted in the offices of the federal Minister of Finance and the provincial treasurers. That is why it is important to make the point that EPF transfers go into consolidated revenues and remain there to be allocated under provincial budgets that are set after consideration of provincial priorities.

The final point I would like to make on this is that each recommendation in the Nielsen task force had a negative impact on funding for post-secondary education and transfers in respect thereof. I see that as a retrograde step on the part of the federal government. I do not think we will

return in the near future to a regime where the federal government will provide 50 per cent of whatever is spent. I am not encouraged by the direction in which the federal government is going, at least if we take Nielsen seriously. Maybe the reality is that we are not taking Nielsen seriously any more.

What is of far greater and more pressing interest is the reference in the federal throne speech to the federal government's desire to have a national forum on post-secondary education. On the one hand I rejoice in that and on the other hand I am a little bit concerned.

16:20

If that becomes an exercise in which the federal government is simply saying, "We are looking for additional ways of getting out of your constitutional area," I have grave concerns. In my view, there is a national dimension to the funding of post-secondary education. It takes on many forms. Right now it takes on the forms of EPF transfers, of grants through the three granting councils, of student assistance through the Canada student loan program and others.

If we can achieve a new national consensus on how we are going to fund what we need to do in this country, we will be taking a giant step. If it is simply an exercise in which the federal government is seeking new and exciting ways to cut back and to deal with its deficits, we are in serious trouble. We are approaching the possibility of that meeting with some caution, but I have some personal enthusiasm that it may lead to something.

Mr. McFadden: The only concern I have—and I do not want to plough over old ground; I know we talked about this at last year's estimates—is the tendency of the federal government to use its financing power to move into provincial government areas of jurisdiction. I do not know what we should do.

For example, we are going to have a national conference on post-secondary education, which I think is good. In many ways, post-secondary education has major national implications. It worries me that the federal government has moved into the health care field, it has moved into post-secondary education and it is setting up standards which essentially allow it to dictate to the provinces on the form or the substance of the area of spending. The government changes; the provinces have gone ahead and implemented programs and activities that reflect the federal government's priorities of the day; suddenly, they find the rug pulled out from under them or a sudden change in philosophy with either more

spending, less spending or new directions in areas that do not fall under federal jurisdiction, they fall under ours.

As we head towards such a forum, there needs to be a national understanding reached on the appropriate role of universities. It is a useful thing, but if we are getting involved in that kind of discussion, there should be some understanding of the parameters and of what we are saying. Are we talking about sharing jurisdiction on post-secondary education? That may be desirable for Canada. Perhaps we should amend the Constitution to have some form of a provincial and federal jurisdiction in the area of post-secondary education. I am not advocating it necessarily; I am saying it may be something that should be on the table.

If the federal government is going to get into this in a proactive fashion, perhaps by using its financing powers or whatever, as it has done in the past, there ought to be a clearly defined provincial strategy. The danger we run in this is that the province is going to be whipsawed with changes of government. We have programs we may not be able to finance because the government changes in two, five or 10 years and we have set up programs that depend on the financing power of the federal government of the day. That is my concern. Post-secondary education is an area where perhaps we should look at the national dimension to see if there is some other way to do this, if funding is such a major issue as it seems to be.

Hon. Mr. Sorbara: From the perspective of Ontario, we have no intention of talking about rewriting the Constitution and sharing the jurisdiction. I would be happy to discuss with you at length what position Ontario will be carrying to that national forum, should it occur. I offer the same opportunity and invite the same sort of input from Dr. Allen or whoever in that party is acting as critic in the area of university education.

I should tell you as well that the Council of Ministers of Education, Canada, which is the forum of my colleagues from other provinces, is also discussing a strategy. There has to be a provincial strategy in anticipation of that meeting. Ontario has to have a clear strategy as well, and that may not completely reflect a consensus among other provinces. Quebec, for example, often comes to those kinds of forums, whether it is the CMEC or a periodic national forum, with a rather different perspective.

We are dealing with the reality that the federal government in many respects is there through its

funding power, not in the sense of setting priorities but through its ability to tax and transfer resources. It is also there in another respect. That is in the area of international education, federal bodies that facilitate the transfer of intellectual resources from Canada overseas. It is there because it has ultimate control of the flow of foreign students into this country. We could have whatever policy we want and the federal Minister of Employment and Immigration could say: "We are not taking any more foreign students. We are not issuing visas." So it is there.

It is also concerned about and actively discussing the issue of the international dimension of education. There are a lot of things to sit down and talk about. I am looking forward to the forum. However, I am approaching it with a great degree of caution. I look forward to a CMEC strategy and I look forward to putting more shape to Ontario's perspective going into that meeting, and we will discuss that further.

Mr. McFadden: In conclusion on that, the one problem we have is that while we may not give or agree to any federal constitutional authority over this, in effect, the financing power is giving it to them whether we like it or not, or whether we are prepared to acknowledge it or not. That is the reality of Confederation today.

Mr. Allen: I find it rather interesting that the minister is concerned about the constitutionality of the question and I appreciate that has always been part of the debate. I hasten also to say that in this discussion with a government that is still so new, it is perhaps difficult to sort out present postures, initiatives and percentages and all those things vis-à-vis the historic trend of both the province and the federal government.

It is true that even under the Conservative government there was concern about the constitutional dimension of the issue. At the same time, that government tended in the heat of the day to give away the argument by, I do not say acquiescing but, if you like, contributing to creation of the situation through its own funding, with the result that the federal government ended up being a major contributor to the provincial system. So on the one hand one had this interesting debate on a constitutional level, while at the same time the province was giving the game de facto to the federal government by allowing the contribution of moneys by the federal government to the university system for post-secondary education to go up and up as a percentage of the whole bag.

I would like to hear from the minister fundamentally whether he is prepared not only to

assert the constitutional argument, but also as a province, even if one allows the tax points as distinct from the cash, to insist on this province's portion of the funding, and to assert for his government its primacy in the funding of post-secondary education by assuming also a substantially large percentage, about 50 per cent of provincial financing.

My second question related to that is that the minister said those arrangements in the mid-1970s arose at a time when none of us were cash short. The federal government and the province were not saddled with heavy deficits. I submit the provincial deficit is not in the order of the federal one at this time, so the province itself is not in the same bag as the federal government at this time.

16:30

If one is going to talk in those terms, presumably one has to ask what proportion of the gross provincial product the government itself accesses for its general spending responsibilities, and therefore whether there is or is not room, and where there is or is not room, for assuming greater financial responsibility. For some time the government of Ontario has spent somewhere in the order of 15 or 16 per cent of the gross provincial product in its general expenditures—

Hon. Mr. Sorbara: General expenditures over post-secondary education?

Mr. Allen: No; totally.

The other provinces run somewhere in the order of 24 per cent on average. If you compare those two figures, you have a 40 per cent gap. It is virtually a 35 to 40 per cent gap between the proportions of the gross provincial product that each of the provinces—for example, Ontario as against the other provinces—uses in public expenditure.

If that is the case, presumably Ontario, as distinct from the other provinces, has a capacity to be much more generous to its universities and post-secondary system, whereas that has not proven to be the case. Again, do you intend in quite a clear fashion in this coming announcement, I hope, to put your government in a position that would reflect both its capacity and its constitutional argument?

Hon. Mr. Sorbara: I have made the argument on a number of occasions that as we approach the proposed national forum on post-secondary education, Ontario must be seen to be responding appropriately to its constitutional responsibilities. I want to be able to speak from a position of strength, not from a position of abdication.

I simply do not believe that within the Canadian Confederation we should assign additional constitutional responsibility based on historical levels of spending. In that regard, Nova Scotia, given perhaps a gross provincial product that is suffering because of the lack of a vibrant economy, if that is currently the case, ought not therefore to have less ability to determine the structure, development and uniqueness of its post-secondary system because of the fact that the Canadian Confederation has assigned a greater balance, federal against provincial, for that province.

The kind of regime where the federal government will spend because it has a responsibility to provide what we used to call equalization payments is a good state for Confederation to be in, and it is only governments that get concerned about viability with the taxpayer—some say: "My God, we are not getting enough bang for our buck. People do not know the family allowance cheques come from the government of Canada. Let us put a flag there." Okay. The reality in the Canadian Confederation is that the federal government has the strongest degree of taxing power. The provincial government has dramatic constitutional authority and the municipal politicians say they have all the problems. We have to get beyond carving out positions of power and simply try to work this thing through together. Nevertheless, I think we have more to do, and I would like to be in a much stronger position as we approach that forum.

The question of gross domestic product provincially and expenditures is one that I am not as competent as I would like to be to answer. To a great extent we are talking about the jurisdiction of the Treasurer. Suffice it to say, at this point at least, that I would like to see a measured increase in the level at which we are funding post-secondary education so that we can do more. That is one very important ticket to the future, socially and culturally. We have to invest more in our heads.

Mr. Allen: Is that precise statistic perhaps not one with which you should be very familiar as you go into your discussions with the Treasurer? If he is labouring in a regime whereby he is accessing a substantially smaller proportion of the gross provincial product in general than other provincial Treasurers are, then does that not raise the question of whether not just universities but a whole series of spending areas are perhaps not being attended to as well as they should be in Ontario? Would it not be something of an ace in your hand to have that kind of data as you go into

a discussion of planning and priorities in order to make the case for the university system in Ontario?

Hon. Mr. Sorbara: Yes, to a certain extent you are right; the figures you mention, as well as other figures referred to in the House—that is, that Ontario is ninth under one set of statistics, 10th under another or eighth under a third; or that \$170 million will bring us up to the national average, as the leader of your party suggested, under a certain regime—those are all statistics I should have right at my fingertips. But those various analyses have been discussed within government certainly for the last six or eight months. The implications have been discussed as well. I am satisfied that my colleagues within cabinet and within the caucus have a sense of them.

It is not the lack of a really powerful statistic that creates the difficulty. The difficulty that I as minister do not experience from the perspective of my ministerial responsibilities, nor do you as an opposition critic, is that one can mount statistics about child care, health care, environmental protection and all sorts of things that represent pressing demand, such as community and social services, the level of payments for people on social assistance. Our chairman will know these and could speak for hours about those levels—

Mr. Chairman: And has done so.

Hon. Mr. Sorbara: He has done so and will continue to do so. I have great sympathy for the Treasurer in his need to cope with all of that and to present to the people of Ontario through the Legislature a determination of allocations for a fiscal year. It is not an easy exercise. I think our case has been made rather well, but my other colleagues in cabinet are making substantial cases. Mr. Baetz, who was with us a few minutes ago and has now departed for a little while, told us frankly he knows that the battleground at that level is severe and that all the needs are good ones.

Mr. Allen: I suggest the percentage of the 15 per cent utilization is a problem because it was inherited historically from a previous regime, but it continues to be a problem now, inasmuch as there seems to be an increasing commitment in the mind of the Treasurer that it is about that level of expenditure that is appropriate for this province. You might well enter some contest in that respect as to whether it is appropriate.

In connection with his—

Hon. Mr. Sorbara: My father always told me I was a free spender.

Mr. Allen: I am not asking you to get out there and spend freely, but I am asking you to get out there and spend rationally. There are some rational standpoints that make it obvious that in certain key areas this province really is not funding an advanced industrial state the way it needs to be funded in terms of its necessary infrastructure and support services.

16:40

On this point of provincial transfers, I want to refer to the Treasurer's remarks in response to the question the other day, when he said he was not going to give them everything they wanted; he was not going to give them the additional \$170 million. Are you telling the Treasurer that what the universities want is \$170 million, or are you telling the Treasurer that that sum, in their considered view and in yours, is really an essential minimum increase?

It should be clear to us that the universities are not really saying, "That is what we want." If you asked them what they wanted, they would say, "Let us make up the \$700-million shortfall that we have incurred over the last half dozen years by virtue of underfunding." That is what they want. They are trying to get across to us an urgent message that getting to that base figure of national average funding is really critical.

Hon. Mr. Sorbara: We have had discussions based on national average, but I am not sure it is appropriate in any context, particularly here in discussing this year's estimates and this year's spending, to discuss exactly what arguments or what discussions I am having with the Treasurer. Suffice it to say that our representations are based on sound analysis and will result in sound policy. I really do not want to go into any further detail.

Mr. Allen: In the light of that, Mr. Chairman, may I move the motion I moved at the beginning of these estimates but which was out of order at that time, namely:

That the social development committee, sitting to consider the estimates of the Ministry of Colleges and Universities, urgently request the government in its forthcoming announcement of university operating grants to: (1) immediately raise the grant level to the national average level, calculated at least on the basis of per full-time equivalent student (an additional \$170 million); (2) project for the subsequent two years assured levels of operating grants that will enable the universities both to meet the deficits in library acquisitions, equipment and renovation and to achieve enhanced levels of access, instruction and research.

Mr. Chairman, I know you might not want to have this debated at length at this point, but I want to put it for the committee's consideration at an appropriate moment.

Mr. Chairman: In terms of ruling on this, it is very unusual to have any motion other than one for the deletion of a line item, which is sometimes done for the minister's salary when we really want to be mean to ministers.

Mr. Allen: Where can I do that?

Mr. Chairman: It is done under main office. We just passed the vote. I am sorry, I should have told you about that.

Mr. Allen: You mean I just voted for that?

Mr. Chairman: Exactly.

Hon. Mr. Sorbara: I would do this job for nothing, anyway.

Mr. Chairman: Yes, just for the sheer love of it, I am sure, and being able to come before committees like this.

Hon. Mr. Sorbara: Yes.

Mr. Chairman: At any rate, you can request in estimates that the minister do such and so and have it in writing if you choose or whatever, but I do not believe we can have it as a motion for debate.

What you could do would be to give us a notice of motion to be dealt with by the steering committee among other matters that we have before us in terms of an item you want to have raised and debated and put on the orders of this committee. We would then have to take that back to the House for approval before we could do it.

I do not think there is any mandate under the standing orders to move substantive motions other than those that are obviously line items, which are substantive motions already. It is in fact moving a money bill, if you will, which is not appropriate either.

Mr. Allen: I did not intend us to move a money bill, because it does use the words "encourage and request."

In the light of your advice, I will (a) ask the minister to move in this direction and (b) rephrase this as giving notice of motion, which then can be carried into the steering committee for subsequent disposition.

Mr. Chairman: We should meet relatively soon to deal with the outstanding items we have. I will just add this to the list and notify the other steering committee members through the clerk.

Mr. Allen: Thank you.

Mr. Chairman: Are there no further comments? Another item on vote 2802:

Mr. McFadden: If I may refer to page 25, this is the activity financial summary. I have two or three questions about it. The first category appears to be salaries. I do not have a fixation with salaries. I am curious to know, though. There is a thing here about a staff increase. What are the numbers we are talking about and what is the reason for the staff increase year to year?

Hon. Mr. Sorbara: Perhaps I will have David Lyon—

Mr. McFadden: There is a line there, "Salaries," under "Explanation of Variance." One of the items there is staff increase. I am just curious.

Mr. Chairman: Which line?

Mr. McFadden: Page 25.

Mr. Lyon: There is provision for an increase of a complement of two people, one of whom is already on staff. It is actually made up of a number of components. Another component, in addition to the increase in staff, is for salary awards. This is the normal economic increase that is granted each year, and there is a provision to conduct a number of studies under this item.

Mr. McFadden: That appears under salaries?

Mr. Lyon: Yes, it appears under salaries because it provides the branch with the capability to obtain competent people to conduct our surveys and that sort of thing.

Mr. McFadden: I notice that the increase here is in the order of about \$250,000. That is about a 30 per cent increase. I assume the incremental increase, year to year—I do not know what that has been. Is that in the order of—

Mr. Lyon: That is about five per cent.

Mr. McFadden: You are suggesting that two additional people are on salary.

Mr. Lyon: That is about \$90,000.

Mr. McFadden: The balance of that is studies.

Mr. Lyon: The rest is for provision to do studies.

Mr. Adlington: Such as the graduate survey to track where the students are proceeding after graduation, in employment or not.

Mr. McFadden: Is there any reason that would not go under services rather than under salaries, or is that just a choice of entries?

Mr. Lyon: It provides some flexibility under the provisions by which we can spend money. Provision in salaries permits you to contract specific types of people and bring them into employment for specific times. However, if that

is not the best way to do it, we can do it through contractual services, by approaching various research corporations.

Mr. McFadden: You are suggesting it would not be so much an independent consulting firm; it would be more an individual whom you would put on staff, essentially for a fixed term to do a study. Is that what you are saying?

Mr. Lyon: Whichever is the best way. It provides us with the flexibility to go whichever way would be appropriate to the nature of the work.

Mr. McFadden: I find it curious that if you brought in a management consulting firm to provide a consulting service, that would appear as salary rather than under service. That is the point I am getting at. Perhaps I am not familiar with how the ministry would normally do this. I can see that if somebody comes on under contract to provide a service for a period of time, six months or a year, that would be salary; but when you hire an independent consultant to do a study, I would have thought that that would fall more properly under service.

Mr. Lyon: That is correct. But providing it in salaries permits us to go either way if we wish. Management Board will permit us, during the year—

Mr. Adlington: It is like pensions; it is a question of portability. If you have it in salaries, it is portable to the services line, but in services it is not portable back to salaries. The game is played this way because of the practice that has evolved. If you have any doubt about which way you will manage the function, the research contract or whatever you are going to do, then you hedge your bets by putting it in salaries, because if it is in services, you cannot move it either way.

Mr. McFadden: I understand. This is Management Board policy.

Mr. Adlington: It is playing the game with Management Board.

Mr. McFadden: The other question was the line services. Services are shown as going up from actuals of \$50,935 to \$284,900. My attention was drawn to it when I noticed that the justification for some variance in that category, together with transportation and communication, supplies and equipment, was additional operating funds for university-related research. I am curious to know how university-related research falls under transportation, services, supplies and equipment. Are these consultants or people who are doing

work? I find this terminology strange: "Additional operating funds for university related research." What exactly are we speaking about there? Is that the justification for the increases in those categories? What is that about?

16:50

Mr. Cummins: Part of the responsibility of the university relations branch is teacher education in Ontario, which is the preparation of teachers at the elementary and secondary school levels. We are engaged in a major review of the whole process of the preparation of elementary and secondary school teachers at the present time. Most of these funds are for the costs of the steering committee responsible for conducting this review, as well as for consultants who have been brought in to survey the literature on teacher education preparation and to prepare a study document which will be released this December. We are looking forward to a major discussion coming up this December out of that review.

Mr. McFadden: This review and study are oriented towards giving advice to the universities on the kinds of programs that would be best for the teacher training, or have I misunderstood that?

Mr. Cummins: Yes. In teacher education there is more or less a joint responsibility. At present, the Minister of Education (Mr. Conway) has certain responsibilities under the Education Act. Obviously, our ministry is responsible for funding teacher education, and the universities are responsible for the actual process of carrying out the review. All of these parties and many others are involved in the steering committee for this review. We have representatives of the universities, of the Council of Ontario Universities, the teachers' federation and other interested organizations in the steering committee. We expect this study paper will generate some discussion about how teacher preparation should be conducted in the future.

Mr. McFadden: Is the Minister of Education participating in this?

Mr. Cummins: Yes. The chairman of the steering committee is an executive director of the Ministry of Education, and they have other members on the steering committee.

Mr. McFadden: What is the total cost of that study? Do you have it in round figures?

Mr. Cummins: I think I had better solicit the number and bring it back.

Mr. McFadden: I take it the study is the main justification for the variance in these numbers

and I take it the Ministry of Colleges and Universities is funding the study in total, rather than the Ministry of Education.

Mr. Cummins: That is right. We have, to date, been responsible for the study since teacher education is the responsibility of the university relations branch.

Mr. McFadden: I have no questions about that page. I do not know if Mr. Allen does.

Mr. Chairman: Anyone else on page 25?

Mr. Allen: On page 25, I presume the reason that it is all lumped under services is that it is considered a research service you are accessing. Is that why it comes under that heading?

Mr. Cummins: In that study or review, it involves the expenses for the committee, but there are expenses for the consultants who are being retained. There were two sets of consultants, a first set who did a review of the literature for the steering committee, and a second group preparing a paper for the steering committee which, as I say, will be released in December. They will gather reactions to it and then a more definitive document will be released in June 1987. Most of it is the expenses of that undertaking.

Mr. Allen: I have a small item from page 23 I suppose could be looked at under the concept of services the ministry provides or might provide to the universities at large. I noted, for example, under the third point under areas of responsibility, "Liaise with other government ministries such as Health, Labour, Treasury, as well as the federal government." Inasmuch as Treasury is the agency in the cabinet that is most actively involved with the public pension plans, I wonder if the ministry plays any role in working out relationships, portability and what have you between, for example, the public service superannuation fund and the pension plans that are offered for staff and faculty in the universities.

In my own university I discovered recently a rather interesting anomaly. It is quite possible for a member of the staff pension plan to benefit from complete portability with the public service superannuation fund, but there is no such provision for the faculty pension. I wondered if that problem is viewed purely and simply as a local university initiative and question or whether the ministry itself is attempting, through the overall review of pensions, to secure systems of portability throughout the whole post-secondary system and the public service and, indeed, perhaps the teachers' superannuation fund as a desirable objective.

Hon. Mr. Sorbara: I will ask Mr. Cummins to speak to it more directly, but it is my understanding that university institutions work out arrangements among themselves, certainly for portability between institutions. I really cannot comment on the more global portability of which you speak. I wonder if Mr. Cummins has any comment that could assist you.

Mr. Cummins: I do not think I can add a great deal more, except to say there is a pension advisory committee, under the chairmanship of Ethel McLellan, associated with Treasury, I believe, to which university groups certainly could apply. I know many universities have attempted to promote some portability among themselves and with the federal and provincial governments.

In my situation, I was able to transfer from the University of Toronto to the public service superannuation fund through agreements that exist.

Mr. Allen: Were you a member of the faculty or the administration?

Mr. Cummins: I was a member of the administration.

Mr. Allen: The administration, which again is my point.

Mr. Cummins: But it was the same plan.

Mr. Allen: Of course. Would the minister undertake to report back to us after some consultation with the office you referred to about the possibility of governmental initiatives, which obviously would be to the benefit to the system, to undertake from the ministries and the government side to open those channels in the pension arrangement in the public service?

Hon. Mr. Sorbara: I certainly would not hesitate to report back to you to the extent that we can provide additional information and directions that have been identified.

Mr. Allen: Could you report on what is possible from the government side to work in that direction?

Hon. Mr. Sorbara: Yes.

Mr. Chairman: Is there anything else on page 27 or page 28? On page 29.

Mr. McFadden: We have a provision here for the differentiation grants of \$1.5 million. I notice it says on page 30 that this money, "will be paid to institutions to enable and encourage them to pursue a differentiated role in one or more areas of institutional strength." Could the minister explain what that money is used for and give some examples of the grants and their purposes?

17:00

Hon. Mr. Sorbara: I would be delighted. The differentiation grant has been in existence since 1983. Correct me if I am wrong, Mr. Cummins.

Mr. Cummins: It was in the early 1980s.

Hon. Mr. Sorbara: It was 1981 or 1982; from the early 1980s. It arose based on a recommendation from the Ontario Council on University Affairs. I am not sure who the chairman was at that time, but you may know that Ms. Marnie Paikin is the current chairman. In practice, the grant has always been allocated to the University of Trent in Peterborough.

Mr. Chairman: Which is only just.

Hon. Mr. Sorbara: Our chairman is delighted about that. It was provided to Trent to assist it in refining the directions in which it would move. Since the beginning of the differentiation grant, Trent has moved out of a number of graduate programs that simply were not effective. Everyone agreed these programs had to be discontinued. In fact, there were a number of programs that were completed as recently as last year.

When I visited Trent, I had discussions with Don Theall, the president, and with members of the board about the future of the differentiation grant. They have done a marvellous job at Trent in giving themselves a particular character, which is predominantly in the area of undergraduate arts and sciences. They are really getting a sense of themselves now.

As a practical matter, that was the purpose of the grant; that is what it was there for. It was created as a result of certain problems that had arisen after consultation with the advisory body to the minister. There it sits; I cannot tell you what the future of the differentiation grant will be. I can tell you that OCUA is now in the process of considering revisions to the formula that may bring about a situation where this particular grant would no longer be needed.

Mr. McFadden: Was it originally anticipated that this grant would have general application, or was it always anticipated it would just be for Trent University?

Hon. Mr. Sorbara: I was not there at the time. I know as a fact that it only goes to Trent. I know it is called the differentiation grant and I know the problems that were identified at Trent, but I have never seen the OCUA memorandum on it. As a practical matter, Trent has been the only recipient.

Mr. McFadden: I notice the amount remains the same year to year. I take it there is no increase at all.

Hon. Mr. Sorbara: I did not hear a complaint when we discussed this, and those of us who participated in the visit to Trent had some lengthy discussions with the administration there. There was no concern that the level of the grant had remained stable and had not increased at the rate of inflation.

It was always anticipated that Trent would work out of the requirement for a differentiation grant. This was not for-ever-and-a-day kind of material. My hope is that within the context of a revised formula, we can eliminate that line item. We are still doing the work that needs to be done to see whether we can get to a new formula.

Mr. Chairman: But certainly not to the detriment of Trent. We would not want that, because of the noble line of graduates from that university.

Hon. Mr. Sorbara: It is a terrific place.

Mr. McFadden: You would not want to touch the grant at all.

Mr. Chairman: I have no vested interest in this at all, even though I was the first student to enrol at Trent. It means nothing to me.

Hon. Mr. Sorbara: Were you really? That is where it went wrong.

Mr. McFadden: That is why they need a differentiation grant.

Mr. Chairman: If that is not enough to make one different, I do not know what is.

Hon. Mr. Sorbara: There you go; I did not know that.

Mr. Chairman: Do you have anything further, Mr. McFadden?

Mr. McFadden: That is the only question I have on page 29.

Mr. Chairman: Dr. Allen has something.

Mr. Allen: Is the minister's reference to the phasing out of the differentiation grant, as it exists in this line, related to the emergence of a formula that builds into the formula itself recognition of university differentiation?

Hon. Mr. Sorbara: In part, the answer is yes and, in part, the answer is that I am awaiting the advice of the body appropriately charged with recommending a revised formula.

There are several competing interests, and left to the universities themselves—the 15 institutions, plus the Ontario College of Art and Dominican College—I do not think there would be agreement among the institutions about a proper formula. That signifies the extent to which there are competing interests.

Each time I visit an institution, I hear why the formula should operate in such a way because of the unique problems at Lakehead University or Trent University, and as I said, we discussed that at length at Trent; or the University of Windsor which has a different history, a different enrolment base and a different approach; or indeed McMaster University, where we had extensive discussions about the degree to which research was carried on and some of the difficulties that have arisen in that area.

Everyone has a particular view of what the formula should be like. It is now appropriately in the hands of the Ontario Council on University Affairs. OCUA is aware of underlying government priorities, one of which is that the formula ought to represent the system as it exists now. To some extent, institutions have been punished under the formula as a result of responding to government priorities in the area of accessibility.

The formula has to reflect current realities and the world of the future, or what is a formula for? I do not think you can have one for everything; you certainly cannot. I expect further revision, and it must be responsive to our continuing and firm commitment with respect to accessibility.

I now anticipate that because the differentiation grant was not intended to be a for-ever-and-a-day grant and because we are revising the formula, that if we do our job well, and Trent has done its job well, we will not need a differentiation grant. At least I hope that is so.

Mr. Allen: Are you telling me that the tendency of the formula as you anticipate it will be in the direction of the Bovey recommendation which was to recognize differentiation and to compensate for differentiation, but to punish those institutions whose response to accessibility was one of their salient characteristics?

If I may just elaborate on that a little bit, one of the key features of the Bovey commission's recommendation was to recognize the special differentiation that occurred in a number of universities that were labelled research-intensive. They were given some variation in what they could do with respect to enrolments, fees and so on, as a result of that.

Notwithstanding that research goes on at universities such as Lakehead, Laurentian University of Sudbury and so on, and significant research at that, they are not known as research-intensive universities. I know it would be massively unjust for us to move in the direction of a formula which did not recognize that apart from research intensiveness, there were also some very important differentiating characteris-

tics in some of those universities that required special attention.

In this regard, I also come to a line which indicates northern grants. In the process of recognizing differentiation, are you also going to be recognizing that the northern grants, as they currently exist, which compensate somewhat for the climate, the geography, the heat and the travel requirements—

Hon. Mr. Sorbara: And sometimes a scarcity of numbers.

Mr. Allen: —will be increased significantly to allow those institutions to respond to the services they have to provide to their regions on a much more expensive basis in a whole range of respects and to augment the services they provide to their regions?

17:10

Hon. Mr. Sorbara: Dr. Allen, I wish I could answer your question in more specific terms. Let me start with a generality. We will have an appropriate granting formula if, when it is announced, every institution writes to me and says, "It is not very good." Every institution has its peculiarities and every institution has its special needs.

What you say about research-intensive institutions is absolutely right. The same goes for northern institutions. You mentioned a number of reasons there is a northern grant. The northern grant in the particular recognizes not only geography and distance but the smaller class size, so it creates artificial numbers. It pretends there are 15 when there are only eight, for example.

In a world where revenues were unlimited, obviously a formula would be of no significance. A formula really arbitrates between competing interests, so it is like negotiations. When both parties say it is not a very good deal, you know you have probably got it right.

If we can satisfy the context—we know we cannot satisfy the need—and take into consideration such factors as enrolment having risen dramatically at a place such as York University over a period where the formula was not sensitive to enrolment growth, and it was discouraging institutions from taking on new students; if we can recognize some of the implications of the past and provide a general framework so that each institution can carry on with its particular mandate—every institution has a particular mandate and a general one—then we will have accomplished a very great task indeed. We will have done something the institutions working collectively among themselves could not do, for

reasons I understand fully and which I would anticipate.

Mr. Allen: Is the minister familiar with the study by Geoffrey Weller and Father R. G. Rosehart at Lakehead University on the comparison of the strategic approach of Ontario and Sweden with respect to the northern universities? I recommend it for your reading because it suggests alternative models of approach. Having embarked on one road, we may not be able to abandon that road entirely; but there may be important reasons to build on another dimension with a new special emphasis that would redress some of those problems northern universities field.

Hon. Mr. Sorbara: I am familiar with the study. I was presented with it, when, along with a number of my cabinet colleagues, I had a day of consultation with a number of groups in the north, in Thunder Bay. My goodness, it is almost nine months since we were there. That report was presented to me on that day with some very interesting comments. I had an opportunity to look at it very briefly at that time. I meant to get back to it. I have not done so. I will take your advice and try to go through it more fully.

I know in that report reference is made to the Swedish model wherein the government of Sweden took particular steps to utilize its institutions in the northern part of the country as instruments of social and economic development. I am rather sympathetic to that approach and it is one that we ought to continue to consider at least.

That kind of initiative would of course require the collective energies of government represented by a number of ministries to ensure it happened in the way you are contemplating. Over the past 18 months our government has taken some rather interesting and positive steps for economic development in the north. Obviously, your response must be that it is not enough.

I am glad you have reminded me of the report and I will attempt to get into it more fully.

Mr. Chairman: Were we on pages 29 and 30?

Mr. McFadden: Page 31, I think.

Mr. Chairman: Page 31.

Mr. McFadden: I have a couple of questions. I have gone through and worked out rough percentages. In terms of the formula grants, my calculation of the total increase comes to something in the range of 3.8 per cent.

I note as well that there is a variation between one university campus and another. The big

winner this year appears to be Trent University, which we have just been talking about, at 6.2 per cent. I do not know whether that is the effect of the chairman's influence.

I note, though, that some of the universities with some major financial problems—I am not saying all of them do not; but the University of Toronto for example is down at 3.4 per cent, which is less than the rate of inflation. Will the minister comment on the adequacy of this formula?

Our party has advocated a major increase in formula grants, as the minister knows. It seems to me there is a general consensus around the desirability of that. At the outset, will the minister comment on the adequacy of these formula grants for some of these universities? Very clearly, the 1986-87 increases over 1985-86 are wholly inadequate for the University of Toronto and other campuses that are having to deal with some real financial challenges.

I know we have this balancing of old and new formulas, and we are suspended on that. I am curious to know what the minister has to say in relation to the increases some of these campuses are getting, which are below the average and clearly below the rate of inflation.

Hon. Mr. Sorbara: The global allocation under the first budget of the Treasurer was for a four per cent increase in operating grants; and that was supplemented, as you know. We have spoken about it many times—the various excellence funds, increases in capital expenditures and specific allocations over the past year.

You make the point as well as it has ever been made, but we are in the process of revising the formula to make it more appropriate to the reality that exists in this province today and the reality we expect over the next number of years. It is a tremendously difficult exercise.

If the formula were to be explained adequately during the context of these estimates, so that you and I, as simple people, could understand it in its intricacy, it would not only take the balance of the time available but also one heck of a lot more time. It is a complex beast and we try to do the best we can. In the end, a place such as the University of Toronto ends up with—I trust your figures; was it 3.4 per cent?

Mr. McFadden: That was the figure we worked out.

Hon. Mr. Sorbara: Another institution happens to get 6.8 per cent; some other institution has something or other. It is different because of the complexity of the formula.

You have to have a formula. You cannot just get a basic operating grant and let the minister sit down and tinker with the figures to determine how much he wants Trent, Nipissing or Wilfrid Laurier to get.

What we did in respect to 1986-87 was to ensure—I am surprised the member is saying 3.4 per cent, did we not create a floor of 3.5 per cent? What we did in respect of the allocations was to create a floor of 3.5 per cent so that, notwithstanding the application of the formula, based on a budget we got from the Ontario Council on University Affairs we said every institution will get 3.5 per cent.

Those institutions that got more than four per cent, which was the allocation announced in the budget, had to ante up a bit to bring those that were going to get less than 3.5 per cent up to the floor we created. Those between 3.5 and four per cent got what they got under the formula.

It is not a very effective tool right now, notwithstanding its complexity or perhaps because of its complexity. We are in a very difficult process now.

17:20

I met this morning with the chairman of the Ontario Council on University Affairs to ask her how it was going, and she said reasonably well. We hope we will have a formula that will be more effective to distribute the next allocations.

Mr. Chairman: Mr. McFadden, Mr. Harris has a supplementary.

Mr. Harris: The minister mentioned Nipissing College and I had planned to mention it myself. If he checks the percentages of the operating grant, he will find, ironically, that Nipissing College in North Bay is the lowest of the lot. It is ironic that it is at 3.1 per cent, or 0.4 per cent below the base the minister tells us he has established. Can he explain that?

Hon. Mr. Sorbara: I hope my officials can explain it and give the member more details. I can simply tell him that I put my stamp on the decision that no institution would have less than 3.5 per cent. I should say that I visited Nipissing College. I am delighted with the kind of work going on up there. We provided an additional capital allocation for some work that needed to be undertaken there. They were in receipt of funds under the various components of the excellence fund. If we can simply satisfy that one inquiry in respect of increments—

Mr. Cummins: The floor was set before certain adjustments were made with regard to foreign fee adjustments at the year end. They

were assured of certain adjustments before the foreign student formula—

Mr. Harris: Am I to assume that the foreign adjustment fees are not there to adjust for foreign students, that they are rolled into the base? I guess my greatest fear is that you were going to tell me something similar, that the foreign adjustment fee, the northerner grant or something else is there and that these are not grants, they are not add-ons, they are not for a specific purpose. For a university that gets five per cent for a specific purpose, they are an add-on or a recognition of an extra cost. For Nipissing College, they are not. In fact, it is an additional charge.

Hon. Mr. Sorbara: No.

Mr. Harris: Is that not what happened?

Hon. Mr. Sorbara: You heard the explanation. We will have a description in these estimates of the way in which the differential fee in respect of foreign students works and how all the costs are pooled, divided and allocated among the institutions. I believe that is appropriate information to be given to the members in these estimates hearings.

Mr. Harris: Can you then explain for me why, if this is a standard thing that should be used in the base, it is not rolled into the overall base grant? Why is it a separate entity if it should be considered part of the base and if nobody should get less than 3.5 per cent?

Hon. Mr. Sorbara: We will have those explanations. I simply tell you that in the light of the northern grants and the excellence fund grants to Nipissing last year, Nipissing did not get all it wanted, but compared to some other institutions, it is in rather good shape. I think you will admit that. Let us have an explanation.

Mr. Harris: The minister cannot understand why what he has said concerns me. He is saying that because the Ministry of Northern Development and Mines comes in with an extra grant, he will cut back his share. That defeats the purpose of all the other grants and the other weighting formulae.

Hon. Mr. Sorbara: I am not talking about northern affairs grants; I am talking about the northern grant of the Ministry of Colleges and Universities, which are allocated specifically to northern institutions, not about grants of the Ministry of Northern Development and Mines or any other institution. I am talking about what we have allocated for Nipissing College in 1986-87.

Mr. Harris: The minister is saying we roll a little bit in here so it is okay to take away here.

Mr. Chairman: Did Mr. Cummins want to continue here? Does the member want more information?

Hon. Mr. Sorbara: I think it is appropriate for Mr. Harris to have at least some sort of general explanation of differential fees and how the revenue and costs there are pooled.

Mr. Cummins: It is rather complex. The final formula grants go through several stages of refinement before they are actually struck, and the formula grants are adjusted finally at year-end by adding into the operating grant income the value of foreign student fees.

The 3.5 per cent floor was put in before the adjustment for foreign student fees was made, as I understand it. So it is a matter of the timing of the various adjustments.

Mr. Harris: Are you saying after it was adjusted to 3.5 per cent, Nipissing's grant for foreign students was so much lower than it was the year before that it brought the average increase down to 3.1 per cent?

Hon. Mr. Sorbara: No, what was said was that the revenues in respect of foreign fees—

Mr. Harris: Are included in a formula grant, yes.

Hon. Mr. Sorbara: —are pooled and then distributed—

Mr. Harris: So Nipissing must have received so much less this year than the year before that it brought the average down to 3.1 per cent.

Mr. Cummins: We are talking here about 1986-87, so we have not completed the year. We are talking about estimates for 1986-87—

Mr. Harris: So you have estimated that it would be so much lower than the year before.

Mr. Cummins: It is a matter of time and we still have year-end adjustments to make and they will be made in March. All we have at this point is an estimate.

Mr. Harris: Can you explain why the estimate for Nipissing would be so much lower this year over 1985-86 that it brought down the overall increase to such an extent? The foreign student grant surely is not a significant component of the total funding but that change must be very dramatic to bring them from 3.5 per cent to 3.1 per cent, which is about a 20 per cent change in the overall.

Mr. Cummins: Again I will have to back up and start again. These are tentative estimates based on the 1986-87 figures, or tentative estimates based on preliminary enrolment figures. They are not the numbers that are

necessarily going to be paid when all the adjustments are made by the year-end. For example, the specific amounts for each institution will be adjusted by the year-end to take into account enrolment changes. However we have stated that—

Mr. Harris: But you were saying the floor was adjusted to 3.5 per cent, everything was in, and then after the adjustment the only other thing that came in was the foreign student grant.

Mr. Cummins: The adjustment has yet to be made for 1986-87.

Mr. Harris: So then that is not the reason it is at 3.1 per cent.

Mr. Cummins: The 3.1 per cent is an estimate now based on the enrolment data and including some preliminary enrolment data.

Mr. Chairman: Does that mean by the end of the year it will be adjusted to be not less than 3.5 per cent? It will be adjusted plus the other grants?

Mr. Cummins: It will be adjusted to be not less than 3.5 per cent before the foreign student fee adjustment is made.

Hon. Mr. Sorbara: If I might just comment on that, everyone uses figures that build on their own case. In this case the differentiation—

Mr. Harris: It is a good thing someone is here to speak for Nipissing.

Hon. Mr. Sorbara: I am glad the member is here and he makes an appropriate argument. But we are talking about the difference between 3.5 per cent and 3.1 per cent which, as far as the base funding increase is concerned, is a difference of \$9,000. It is not as if this ministry had reorganized the books in some way to deprive Nipissing of its just deserts. We have a northern grant of which Nipissing is a beneficiary, and indeed other grants through the excellence funds which deal with the needs at Nipissing to a very great extent.

However, I said at the beginning of the discussion on formula it is an imperfect formula. It is one of the reasons we need a differentiation grant. The member was not here for that discussion but if he wants to take a lot of time discussing the difference between 3.1 per cent and 3.5 per cent, then let us acknowledge that it is a \$9,000 item. It is not going to mean the difference between success and failure at Nipissing. Other things are, such as adequate northern grants, adequate funding of capital needs and ensuring they have adequate equipment in libraries.

17:30

Mr. Harris: Perhaps I can request some information that could be provided to me at a later date and indicate to the minister that I am not happy with 3.5 per cent for Nipissing College. It is below inflation at a time when the expectation of all universities is very high and is not an expectation for this low-ball ceiling of 3.5 per cent.

Before your government took office, for several years there was increasing emphasis on the north. There was decentralization of many ministries and many offices. Several studies were done on university education in northeastern Ontario, all pointing out a need to strengthen the education systems. This is a time when there is a lot of talk by the former government, by this government, by all parties, about educating the people of the north in the north. We recognize that some students will have to come to southern Ontario for excellence. Perhaps government should be looking at excellence programs in northern Ontario, so that students from the south will come north to balance the trade deficit, if you want to talk about students in that way.

I am not happy with 3.5 per cent. I am not happy with the explanation of why Nipissing is the lowest in the whole province at 3.1 per cent. I am not happy with some high-faluting calculation. I request that information. Nine thousand dollars is not much to the University of Toronto, but it is to Nipissing College and the principle is worth something to Nipissing. Perhaps the officials can give me the figures on how they calculate the grants and why Nipissing should be the lowest in the province.

Hon. Mr. Sorbara: I assure Mr. Harris that the figures will be calculated. I point out to him, and I hope he takes this home to Nipissing, that the actual increment in operating revenues for Nipissing for 1986-87 is 8.77 per cent, which is at the high end of what institutions got rather than at the low end.

That is not because I decided we had somehow to get on board in Nipissing. The fact is that when you consider the teaching Nipissing does on behalf of Laurentian University in Sudbury, the incremental effect of the northern grants and the application of revenues through the excellence funds is 8.77 per cent. That is not bad, although it is not everything we wanted to do. There is more to be done there. We will provide him with the explanation of the 3.1 per cent. I hope he takes the message home that it was 8.77 per cent.

Mr. Harris: Is it 8.77 per cent in total operating funds? I would be happy to receive those figures too.

Mr. Cummins: The figures quoted in the estimates handbook are figures that Nipissing is doing on its own account and exclude the teaching it is doing for Laurentian and for which it receives payment from Laurentian. When you include those numbers, as I have them here, Nipissing received \$4,343,000 in 1985-86.

Mr. Harris: That is for services provided to Laurentian. Because they do a job for somebody else and take in an extra fee for service, you cut them down in your own direct operating—

Hon. Mr. Sorbara: No. Do not misrepresent it. That is not the case.

Mr. Harris: It is the case. You are trying to find out every other source of income they have, knock that on and say their average is more than 3.5 per cent.

Hon. Mr. Sorbara: You know that is not the case.

Mr. Harris: That is all I have heard from you.

Hon. Mr. Sorbara: You heard from Mr. Cummins that the figures he is about to give you, if you will let him, represent activity at Nipissing. Nipissing has a recently signed teaching-affiliation agreement with Laurentian. It provides an umbrella arrangement. Some of the activity that goes on at Nipissing is Laurentian activity. We can get into the details of how that works, if you wish. The figures we are trying to provide you with represent Nipissing activity, teaching that goes on in North Bay at Nipissing College. You can do us the courtesy of listening to the figures, if you really want the information.

Mr. Chairman: Why do we not hear the figures? I am enjoying the debate. This is the first time this is getting to be like estimates, mean and dirty. We need more of this.

Mr. Cummins: My figure for 1986-87 for Nipissing, including what it is teaching for Laurentian—this is an estimate subject to year-end adjustments—is \$4,588,000, for an increase of 5.64 per cent. Then there is a further \$103,000 for library enhancement and equipment; that is tentative. In 1986-87, there is \$33,000 for faculty renewal for a total of \$4,724,000. The printing here is obscure, but it does look like an 8.7 per cent increase overall.

Mr. Harris: When other universities are calculated for faculty renewal and for some of these other things, are they added in before or after the floor of 3.5 per cent?

Mr. Chairman: I gather everything is added after. The deputy minister would like to make a comment, Mr. Harris.

Mr. Adlington: We can assure the member that Nipissing was treated exactly the same as any other institution in terms of how the basic grant was applied via the formula. Where we are beginning to get confused in this discussion is what the 3.5 per cent guarantee relates to. The 3.5 per cent relates to the basic grant distributed via the formula through the Ontario Council on University Affairs office. We can undertake to verify that for you with respect to the basic grant and the application of the formula to the basic grant, the application of that floor level, that 3.5 per cent. With respect to both of those things, we will be able to assure you, I am quite positive, that Nipissing was treated exactly the same.

Mr. Harris: It may have been unfortunately worked out to 3.1 per cent.

Do you concur with the notion that if Nipissing teaches more courses for Laurentian, you are comparing apples to apples and that it is getting an increase in grants because it is doing more in one year for another university than it did in the previous year? Is that a rational argument?

Mr. Adlington: The grants are distributed on basic income units. Where an institution has an affiliation and a service-teaching agreement with another, the basic income units have to be worked out. There are exactly the same rules and regulations for each one, so that if Nipissing is doing service teaching for Laurentian, or King's College is doing service teaching at the University of Western Ontario or wherever, it will be in accordance with the formula, and the way those BIUs are counted would be the same and would mean exactly the same in both places.

Mr. Harris: The argument was made that it is eight and a half per cent when you factor in the amount, that it is an increase when you factor in the extra—

Mr. Adlington: That was adding in the excellence formula.

Mr. Cummins: Before the excellence fund it is 5.6 per cent after a few adjustments.

Mr. Harris: But you did say you were adding in the teaching they are doing for courses for Laurentian.

Mr. Cummins: Yes, but they are getting payment for that. They are getting that now.

Mr. Harris: It has nothing to do with you. If it is such an excess that it will increase the percentage, then Laurentian must be paying too much and is losing money, which concerns me as well.

Mr. Adlington: I think we can satisfy you that the counting is exactly the same for every

institution. The definition of a basic income unit and how it is created is what we have to explain to you.

Mr. Harris: Perhaps I can have an undertaking to receive that information.

Mr. Chairman: I remind the committee that we have approximately two hours and 10 minutes left and we are at vote 2802, item 1.

Hon. Mr. Sorbara: We are moving right along.

Mr. McFadden: I have another question in relation to page 31. It relates to the allocation for the Ontario Institute for Studies in Education. My information is that negotiations are going on now between the University of Toronto and OISE and that most of the issues have been worked out satisfactorily for some new arrangement.

I do not know whether it is along the lines that the Treasurer wants or that the minister has been supporting with regard to the Treasurer's announcement, but I understand that it might be more consistent with the recommendations of the general government committee in connection with the ongoing interrelationship between OISE and the University of Toronto. I understand the stumbling block might well be money, and not so much how they might interrelate organizationally or in governance. They seem to be some distance apart on money.

If money became the big stumbling block, would the ministry be prepared to provide additional transitional money to expedite a satisfactory solution to the rather bizarre situation that now exists between OISE and the University of Toronto, which was created by the budget of last year? Would some additional transitional money be forthcoming, separate and apart from the transfer payments here, to expedite a settlement of the relations between these two institutions?

17:40

Hon. Mr. Sorbara: Before I answer that, I want to note for the record that Matt Certosimo, chairman of the Ontario Federation of Students, has just joined these hearings. If we find they are deteriorating somewhat, we will know why.

Mr. Chairman: Always blame the students.

Hon. Mr. Sorbara: Always blame the students. Actually, in fairness and in all sincerity, Matt is doing an excellent job—that should go on the record of these estimates—of representing the interests of students to my ministry and among the institutions themselves.

Mr. McFadden raises an interesting issue. Unfortunately, if I were to paraphrase his question, I could probably paraphrase it thus: Would the ministry, the government, be prepared to buy an agreement? The answer is that I am not prepared at this point to say that we will provide some transitional funds if money is the only stumbling block. I do not think they should be necessary. Maybe the submission from the institutions, collectively, will make that argument, but it would be inappropriate for me to say there will be money available to effect a proper transition and therefore they should get on with the work.

As I said earlier, the exercise that is going on now is one of negotiations. There are some impasses and Dr. Allen referred to them. At some point, I anticipate that the institutions will bring to me a scenario for amalgamation or they will do it separately. I do not think I would be helpful to those negotiations if I answered your question either in the affirmative or in the negative.

Mr. McFadden: What is your understanding of amalgamation in this case?

Hon. Mr. Sorbara: My understanding of amalgamation is a regime where, from the government perspective, the resources that government flows to OISE flow through the University of Toronto and where the governance of OISE is the ultimate responsibility of the board of governors of the University of Toronto. That is a rather simple answer to a rather complex question. My anticipation is that through the process that is going on, other models may be presented to me that must be considered and evaluated at the time they are presented.

Mr. McFadden: From what you have just said, I take it that you have not listened at all to the unanimous decision reached by the standing committee on general government. The all-party committee did not concur in that direction. My information is that even the negotiations between the two institutions are not moving in the direction of amalgamation; in other words, a transfer of OISE to the University of Toronto.

I find what you have just said remarkable. You are still harbouring the view that, essentially, OISE will disappear into the University of Toronto and become a faculty of the university with money flowing from Simcoe Hall to that institute in whatever form it might be, without an independent board or whatever. I am surprised that you are still pushing that policy and point of view in the light of what happened through the all-party committee and also in the light of events

since then. I find it disturbing that this remains your continuing position on this matter.

Hon. Mr. Sorbara: I think I am conversant enough with the views of the standing committee on general government and the resolutions it passed and presented to the House. In fact, I had an opportunity to respond to questioning by the committee. I am aware of the private member's bill calling for degree-granting powers for OISE. I do not see why the member is surprised that I continue to say the government policy remains the policy of the government.

The thrust in that committee and the thrust represented by the policy of the Progressive Conservative Party—let us talk only about the Progressive Conservative Party right now—is that OISE, when fully integrated in the University of Toronto, would somehow be consumed. It is very nice to say to OISE: "We are going to champion the cause of OISE. We are going to ensure its continued survival." I am not sure whether you would get many votes around the University of Toronto. Is it that capricious an institution that it wants to acquire this institution so that it can tear it apart and spit it out? Did the general government committee consider that perspective? I have not seen an institution anywhere in this province do that to a sister institution or to an institution with which it became amalgamated. It is foolhardy to suggest that would happen.

That committee suggested that somehow, for ever and a day, the government must guarantee a flow of revenue to the OISE. For ever and a day, it must always fund that activity directly. Yet at the same time, the same party says we have to find new and creative solutions to our approaches. The previous minister three times removed, Bette Stephenson, mandated an entire commission, the Bovey commission, to look at how we might do things better while spending the same amount of money. It undertook a very extensive exercise that was very productive. Yet when our government makes a simple suggestion that perhaps those two institutions, being across the street from one another and being rather integrated already, ought to operate within one global budget and under one governance structure, the opposition parties say all hell will break loose.

The fact is, all hell will not break loose and it will not be the end of programs at OISE. It will not be the end of the research activity and it will not be the end of their field work. I have said on a dozen or perhaps a million occasions that we are not proposing to amalgamate those two institutions because we have no respect for OISE. One

simply does not say, "We are proceeding on this agenda because the programs there are no good." We are saying they are very good.

The opposition parties seem to think OISE cannot stand up and compete successfully for a budget based on its program material within the competing needs of the University of Toronto. What does that really say to OISE? "If you were left on your own, the University of Toronto has things that are far better on its agenda, so it would just consume your budget. You do not have a good enough program to go into the governing councils of the University of Toronto and compete based on the programs you have."

Do you send out that message to OISE? That is the message I get from the opposition parties. They are telling OISE that somehow it is not good enough to compete with the faculty of medicine or the law school or the engineering department or any of the other components of the university. When you analyse your position, that is what it is and I think the world should be told that.

I do not believe it. I think OISE can compete effectively for resources. I do not think that, somehow, for ever and a day, we have to protect that through direct grants. If it cannot compete within the context of a multifaceted, world-class institution, if it really is not competitive, do we protect it none the less? Is it your policy to protect it notwithstanding the quality of the program? I would like to hear your views on that.

Mr. McFadden: As far as I am concerned, our position has never been, is not now and never will be to attack the University of Toronto. I am a graduate of that university, a supporter of that university and an admirer of that university. At no time, in any of these discussions—and I believe the minister has misrepresented totally and completely my position on this—have I attacked the university, its quality or the need for that university to have additional money, nor have I ever said, at any time, at any place, that the U of T is an inferior institution or an institution that should not be supported. Any criticism I have ever made of the government's transfer of OISE had no relationship whatsoever to a criticism of U of T. I want to make that very clear.

This announcement in the budget was not a decision of U of T. The minister has implied here that our criticism of the Treasurer's budget proposal is a criticism of U of T and that in some way, shape or form, the proposal in the budget was the U of T's proposal.

17:50

Hon. Mr. Sorbara: No, I have never said that.

Mr. McFadden: That is what is implied here. You implied that our position on this was motivated as an attack on U of T. That is absolute and complete nonsense.

Hon. Mr. Sorbara: No, what I said is, when you really analyse your policy, it suggests that you believe that U of T will somehow consume and decimate OISE once U of T gets its hands on OISE. On the other hand, if you really analyse the fundamentals, the foundations of your policy, it shows you believe that somehow OISE's programs are not sufficient for it to be competitive and command the continuing revenues it needs to carry on its programs at the bargaining table of U of T. I do not believe either of those things. I believe those are the fundamentals of the policy that you represent.

Mr. McFadden: Let us start off with OISE. One, we believe it is the centre of excellence. We have heard in the speech from the throne all about this whole business of centres of excellence in various things. We believe OISE stands as a centre of excellence; part of it is its particular governance and approach. We do not believe it needs that change. We do not believe it needs that transfer. We believe that the chances of our maintaining a centre of excellence in studies in education is better guaranteed by the current governance regime.

That particular point of view is not my point of view; it is not the point of view of my party alone. It is the point of view of the New Democratic Party but, more particularly, it is the point of view of the Liberal members of the standing committee on general government. They were there and they voted on the committee report. I have to assume that is also the Liberal Party point of view to some extent. It may not be the minister's point of view; it may not be the point of view of the Treasurer, but the fact is that on that committee, every one of the Liberal members, without dissent, supported the majority view. That is now public record. It is clear that an all-party committee, without dissent, came up with the view that it was important for the province that we maintain OISE as a centre of excellence, and that we are more likely to maintain that standard of excellence in the current governance than by the proposal set out in the budget.

The public record is evident. The minister can say that is my particular bias but the facts are there. The evidence was overwhelming. If all

these people agreed with what the minister says, we did not see any of them. I would assume that is why the Liberal members went with the majority and supported our concerns. If you are telling me that the Liberal members did not have the courage to stand up and support the government, that is something. I do not assume that is what the Liberal members of our committee did. I assume that the Liberal members stood up to the government on that committee, disagreed with the government position, disagreed with what you have just said today, and disagreed with what the Treasurer had in his budget.

In my view, to continue to take this position and this government position, you are biasing the whole negotiation between these two institutions and you are prejudging negotiations. I suggest to you that negotiations are not even heading in the direction of the policy which you have just stated today. By reiterating this, by showing this dogged determination basically to uphold the rather bull-headed position taken by the present Treasurer since 1975, you work against a solution.

I believe the standing committee on general government came up and recommended an appropriate solution that would have allowed both sides to work a way out of this impasse. Your continuation with this position, and now to attack us on the spurious grounds that we are in some way against the U of T is absolute nonsense and hardly merits reply. The standing committee on general government's position—

Hon. Mr. Sorbara: It may not merit reply but your reply has certainly been a lengthy one. The fact is, what I said stands. That is that if you analyse the fundamental assumptions behind the policy of your party in respect to OISE, you must come to the conclusion that the policy shows a disrespect for the University of Toronto and, notwithstanding that you refer to OISE as a centre of excellence, a rather low regard for its program. I do not subscribe to either of those two views. The doom-and-gloom scenario that you present will not be the reality.

You suggest that somehow I am interfering with negotiations, or I am impeding the process. That could not be further from the truth. Those negotiations are going on between two independent bodies. Certainly, they were mandated by the government. There is no doubt about that. Some 65 to 70 per cent of the revenues of the University of Toronto is provided by this government and close to 100 per cent of the revenues of the Ontario Institute for Studies in

Education is provided by this government. We have a role to play. To say we are somehow either directing or frustrating the negotiations currently going on is not supported by the facts.

Mr. McFadden: No, I said your attitude today runs the risk of doing that. I am not saying you have interfered to date. I am saying your attitude today and the reiteration of this policy, in the face of the committee report and the direction of the negotiations, runs the risk of putting this whole thing off the rails.

Hon. Mr. Sorbara: I am not surprised by the recommendations of the committee. Those who had very strong views that the status quo must be maintained now, tomorrow and for ever and a day, were considered and supported by the standing committee on general government. Be that as it may, that is part of the democratic process. Committees of the Legislature have a responsibility to hold hearings and to receive submissions and to take evidence and to recommend to the Legislature.

The government has enunciated a policy. The government thinks it is a good policy and can be effective, and has put into place a process where it anticipates that policy will be realized.

Mr. McFadden: I will pass on that. Mr. Allen has some questions on this topic.

Mr. Allen: If I could remark on the same issues. I must say that I regret that the issue has been joined in the way in which it has at this time. When I asked the minister the question the other day he referred to the magic of negotiations and I am not entirely sure what that magic will produce without some additional assistance to make it happen. I think a good decision is being worked out between the two parties at this time. I think it accomplishes a substantial amount of what the general government committee wished, which, of course, did not come down with a specific recommendation. The minister will recall it framed a broad range of options which were acceptable in the minds of the committee, and unanimously so.

Those recommendations included the possibility of the kind of synergism, if I may use the word used by the minister when he came before us, in combining institutions to produce the best benefit for all, and the discussions that are taking place at this point appear to be leaning toward one of those more combined approaches, not with total immersion into the merger, but not with total departure either.

I hope the minister will reflect on another interpretation that could be put on the Conservative Party's position. I do not want to pretend to

understand it in total, in so far as it may have inner dimensions that I have never been part of formulating or discussing with the critic or that party.

It is possible to take that broad position based on a lot of evidence which tells us that OISE, in a broad sense, as it is structured and functions, is performing extremely well. You said that, I have said that, the Conservative critic has said that, many people have said that. It is no disrespect to either institution nor to the University of Toronto to argue that the problems of funding that have been placed historically at the door of that university make it very difficult for any entity to go back into it without in some significant way being prejudiced by the dramatic encounter of the competition for funds.

18:00

I and the committee hope that if funding improves over subsequent years, it will be possible to preserve the excellence at the Ontario Institute for Studies in Education and to find a way to dramatically improve the faculty of education of the University of Toronto without subjecting either of those two entities to that unfortunate and, I hope, temporary competition for funds. Given the history of governments in this province and the difficulty they have had in meeting the funding objectives of the universities, I am not prepared to second-guess that possibility.

In that sequence of arguments, I do not think there is any reflection on the University of Toronto per se, nor any reflection on your government nor any reflection on the capacity of OISE to compete, but I think there is an attempt to maximize the options available for all of us to get the best out of all the dollars that go to both places.

Given the difficulty of maintaining an argument which would show dramatic and significant financial benefits and savings in a complete merger package, we have always felt there was perhaps a better option there, one which would none the less combine resources in the whole field of teacher education in particular and make possible a significant advance.

I do not want to press the minister to say any more, and I do not want to prolong the debate, but I think the single most important thing that has to come out of the debate raised during past months is that a solution be satisfactory to both the university and OISE. There looks to be something possible there; something which, with a little help, may work.

It would be to the minister's benefit, the Treasurer's benefit and the Legislature's benefit to have that kind of decision made rather than to have that kind of attempt fail. That is all I want to say on the issue; I hope it is all any of us want to say at this time.

Hon. Mr. Sorbara: I will add that I do not disagree with Dr. Allen's comments. I am confident we are going to have a resolution that will be satisfactory to the University of Toronto, the Ontario Institute for Studies in Education and the government of Ontario. I added one party there. I do not expect the Progressive Conservative Party will be happy with it but there will be reason enough for that.

Mr. McFadden: If both sides agree, we are quite happy.

The Acting Chairman (Mr. Offer): Are there any further comments on item 1?

Mr. Allen: Very briefly, with regard to page 33, under the first item, "Teacher Education," there is a little sentence that says, "Includes native teacher education program." We are all seized by the grave dilemmas that hang around the question of native education and the importance of using as many positive devices as we can to promote that sector of education.

I hope the minister will find a way of facilitating that program, which is very effective as a device, and will give some special attention to that in the course of the coming year. Expanding that program is not something which will be costly. It is not on a very immense scale at this time but it would do an awful lot in the direction of enhancing native education, particularly in northern Ontario.

Hon. Mr. Sorbara: I thank you for your comments; I understand the need. Obviously you know there is a branch of government responsible for native affairs and we are trying to co-ordinate policies and initiatives through a number of ministries to be responsive to the needs. Those needs are of particular importance in the area of education. I will take that comment seriously.

The Acting Chairman: Any further comments on item 1?

Mr. McFadden: On item 1, yes. This item 1 goes on for ever. I do not know whether this is normal, but item 1 goes on for pages.

I am curious to know something about the excellence funding. I do not think this will be as controversial as our last thing from the minister. Maybe we could move over to page 45, and then the following page here, but more particularly on

page 45 dealing with excellence fund operating grants.

I am curious to know, what mechanism does the ministry follow in determining who gets what under the excellence fund? How are the decisions reached about who gets the funds and the amounts they get?

Hon. Mr. Sorbara: That is a good question. I will give you a little introductory answer, and we will seek more definition from perhaps the deputy and others we have here. In each case we apply a formula. Formula, formula, formula.

Mr. Jackson: Three formulas?

Hon. Mr. Sorbara: As a matter of fact, that is right. I am glad to see you here finally. Three formulas: a formula for library enhancement and instructional equipment, a similar formula for research leadership and a different formula for faculty renewal.

Why do we have three formulas? Because when we submitted the question to the Ontario Council on University Affairs, which is the body that advises me on these matters, it recommended ways of allocating. The interesting thing about my ministry is that, except for the little item in respect of miscellaneous grants—here it is on page 17, \$39,100, where I have discretion to do whatever I want, on the basis of some other silly little committee that must recommend, and it works out fine; I say that whatever it recommends is great—virtually everything this ministry does in terms of transfers to universities, and to colleges for that matter, is based on formulas achieved after extensive consultation and, in particular, a great deal of input from the institutions.

Now let us get down to the details. Just as Rodger Cummins, who probably knows more about the specific formulas than anyone else, comes in, I will reiterate. The question, Mr. Cummins, is how we arrive at the formulas that we use to distribute the excellence funds. Why do we not start off with library enhancement?

Mr. Cummins: Library enhancement funds were divided up on the basis of current basic income units—in other words, the actual weighted enrolments in 1984-85.

The faculty renewal fund in the first instance was divided up on the basis of data from those in the first year. First-year faculty renewal is on the basis of an entitlement assigned to each institution of the \$10 million allocated, and the share of the entitlement is determined by the data from the Committee of Finance Officers—Universities of Ontario on the basis of actual salary expenditures.

The research leadership component, which was \$15 million, was determined by taking data again from the COFO-UO, a three-year average of the income of the institutions for sponsored research. Some adjustments were made to the data on the three-year average of sponsored research income from COFO-UO to make allowances for Guelph's overhead.

18:10

Mr. McFadden: Does that mean that no university applies for any of this money? I am not quite clear what you mean by a formula. In other words, they automatically receive an allotment whether they request it or not.

Hon. Mr. Sorbara: That is exactly right. It is not a matter of applying on the basis of a submission.

Let us go back to the library and instructional equipment fund. Mr. Cummins said it was based on—what was that again?

Mr. Cummins: It was on the 1984-85 basic income units, which is a measure of enrolment, and it is weighted. A student in a high-weighted program would receive a higher weighting than a student in a lower-weighted program. The BIUs were added up for the system as a whole. Each institution's share of that was its share of the total current basic income units, and each institution received an allotment. It was \$25 million so, for example, taking a look at my list, Brock University got \$608,000 and Carleton University got \$1,297,000.

Hon. Mr. Sorbara: As I said, each of these funds was referred to the Ontario Council on University Affairs for its advice on what the appropriate allocation mechanism should be. The institutions simply became aware of the fund when it was announced, I think on October 22, 1985. We immediately sought OCUA's advice on how to allocate it, and on the basis of that advice, the money was distributed to the institutions.

Mr. McFadden: May I ask one question about the faculty renewal money? I know the Ontario Confederation of University Faculty Associations and the universities have raised some concerns about the adequacy of the money provided. It has been pointed out that there are some significant overhead costs and support staff required for each faculty person hired.

I guess it would very seldom happen that you would hire a faculty person who would receive no support staff and would not require an office, a telephone or anything else. Obviously, the person would just be taking over from somebody

else. I suppose you could say there is no change; he is just taking over the support that was received by the person he is replacing, but my understanding is that this is new faculty. In most cases I understand it will be additional faculty who, perhaps in the long run, might replace older faculty who will be retiring in the years ahead.

I have received the complaint from a number of sources, as I am sure the minister has, that no provision has been made for support staff or overhead costs in this faculty renewal fund and that it runs the serious risk of not being anywhere near as effective as it might be because of that. In addition, there has been the further criticism that the amount provided is considerably less than Bovey suggested would be necessary to achieve the same number of faculty that the proposed fund is supposed to be trying to secure for the universities. Can the minister or staff comment on the provision for support staff, overhead costs and so on?

Hon. Mr. Sorbara: If your suggestion is that the faculty renewal fund does not provide for every expense related to the hiring of new faculty, then I thankfully acknowledge that this is the case. Nevertheless, our determination, and it was supported by the institutions, was that with this fund providing support over a nine-year period, 500 new faculty members could be supported and brought into the institutions.

It has worked very successfully thus far. There may be some complaints, but in the main it has been very successful. I remind Mr. McFadden that when the fund was initially announced, there was a grave concern that a fund that had an impermanence about it, because it was a one-year fund, at least on its face, gave the institutions some very grave concern.

We heard that. We took it very seriously. We had received advice from the Ontario Council on University Affairs about how to deal with a one-year fund. Frankly, when that advice came back, we took even more seriously the concerns of the institutions. Therefore, we began the process of discussions within government. The result was that we created a longer-term fund to ensure that the process of bringing in new faculty members would continue and that the objectives of government, which were in complete agreement with the objectives of the institutions in regard to faculty renewal and were identified and spoken to thoroughly within the context of Edmund Bovey's work, would be achieved.

Do my deputy minister or Mr. Cummins want to add anything further about how the fund will

be applied or about difficulties that Mr. McFadden has raised in conjunction with it?

Mr. Adlington: Undoubtedly there are additional costs that go with additional faculty, to buy the infrastructure, support and even space. These will have to be picked up in the balance of the allocation of the operating funds that the universities have at their disposal under the jurisdiction of their boards of governors.

Within any given university there are many tradeoffs being made at any given time to do the financial and operational planning and budgeting. The universities seem to be resolving that. In the first two years of the allocation there will be something in the order of 300 positions committed. We now have a record of approximately 240 out there, and in the balance of the two-year appointment cycle, the Ontario Council on University Affairs will receive the applications and proposals from the universities, assess them in relation to the mission of each university and advise the minister on the appropriateness of improving the balance of the proposals. The initiative is simply to turn it over to the universities in the first phase, and they have acted on it with obviously great initiative.

In the balance, the advice would have to come before it went through the Ontario Council on University Affairs, which will relate it to whatever it deems appropriate.

No one can deny the simple facts of the case: There will be additional costs to accommodate additional faculty. To the extent that the operating funds are in some way improved during this same cycle, then that will be somewhat alleviated. To the extent that they are not, the universities will continue to have to make the "guns or butter" choices that follow from the decision to receive and apply these funds for new positions. That can take place at the bargaining table, too, of course.

Hon. Mr. Sorbara: Not to underplay your concerns, Mr. McFadden, but if you suggest that not every faculty member will have the kind of office space that all his colleagues have, that may be true. Will every new faculty member have a secretary or support staff that you think might be appropriate? That might be true.

However, let us talk about what you may think is an inappropriate example. As a ball-park figure, there are some 13,000 faculty members throughout the institutions that receive support under this vote item. We are proposing to add 500. That is five for every 130. We are doing the very same thing in the Legislature. We are adding five members next time around. We are

going from 125 to 130. We are not going to increase the size of the chamber; we are going to squeeze some more desks in, and we are going to be even tighter for space around these parts, but it is appropriate to do it.

18:20

Within basic operating grants, as the deputy said, there will be some tradeoffs, perhaps. However, having analysed this, we are confident that we can appropriately provide for these 500 additional faculty members. In our \$84-million program for faculty renewal—and it really is an \$84-million program in constant 1986 dollars, I think—it was not a case of our ministry saying to government, “We need \$120 million, \$110 million or \$100 million to do a faculty renewal program,” and its saying: “Well, 500? Okay, do it for \$84 million.” Our submission was that to do faculty renewal appropriately, we needed \$84 million over the period to ensure 500 new faculty members under the faculty renewal program, and that is what the government allocated.

Mr. McFadden: Why is there the discrepancy between Bovey’s view that it would require \$152 million to create 550 and the \$84 million we have to create 500? I am sure there is something in the formula there. I am assuming that Bovey took support staff and other things into account.

It seems to me that we may have a problem building here. I am not inventing this. I received that submission from the Council of Ontario Universities, which suggested it was running into problems because it generally could not add an additional staff person; there was no support staff, let alone office space. Office space may be the least of the problems. As I understand it, in particular where any research and other things are going on, they require support staff. It is not a luxury.

I am not disagreeing in any way with the need for this fund. The concern I have here is whether there is adequate funding to cover the additional support staff that may be required.

Hon. Mr. Sorbara: A number of things in response: First, it is my understanding that the Bovey commission report contemplated a rather different mix of faculty renewal than is contemplated under our program. Since they are first-time faculty members, we expect them to come in at the low end of the wage scale, if you like. We are not providing a faculty renewal fund to get full professors who have 20 years of experience at another institution. We are particularly trying to open spaces for graduate students who, in the absence of a faculty renewal

program, would not have an opportunity to begin a teaching career in a university.

I also have a suspicion that the Bovey commission contemplated all the various costs of a faculty renewal program, down to the telephone. We are not providing for that here, and we acknowledge that. It becomes an argument about ball-park figures. I am not sure the assessment that the Bovey commission did was any more refined than the one that was done within the ministry, which gave us the feeling that in the real world of budgets we could do it for \$84 million over the period provided for.

Edmund Bovey suggested a number of things. We have proceeded in a number of those areas. When the faculty renewal program was announced, I got a message from Edmund Bovey personally saying: “Congratulations. That is a great program.” He did not say: “God, it is not going to work. It is not enough.” He said, “Congratulations on getting new people into the universities.”

Mr. Adlington: The program that is funded, the flow of funding at \$84 million in constant 1986 dollars, will actually be eight to nine fiscal years. It is a very prescribed program. It relates positions at a value per position, and the basis of determining that value will be clearly understood. However, for the supplemental expenditures that will be required if a university wants to commit to one of these positions in the program, we are not interfering any further in their line item budgeting than just that. We are not establishing what all the surrounding costs are in relation to any one of those positions. We say, “From here on, we are not intervening in your planning, budgeting and controllership functions,” because universities are autonomous, and fortunately, we in this province have maintained quite an arm’s-length relationship.

I do not believe one can compare this program precisely to the Bovey program, which was costed on a different assessment of ancillary costs or supplementary costs.

Mr. McFadden: I take it, though, that the government is acknowledging there could be a problem with support staff that may have to be dealt with, maybe not on this item but at some other time.

Mr. Adlington: I am trying to suggest that the impact of those costs that ripple out from making these appointments will have to be dealt with in the whole context of the basic operating budget of each university, and how the government responds to those costs really is elsewhere scattered throughout the rest of this discussion.

Mr. Allen: Just briefly, I find the answer very distressing, because what it tells me is that, notwithstanding the benefits that will come from the program—and I concede them; \$84 million is better than none. Mr. Bovey undoubtedly was happy to see his program instituted, because he probably had become pretty desperate thinking that nothing out of the Bovey commission was ever going to get implemented. So much of it got shot down so fast, and the rest of it was sort of put on the sidelines and nobody did anything with it. Bovey is right to congratulate the minister, and I congratulate him for doing something.

However, what is distressing about it is that the program again is conceived in a way that embodies a sort of cruel joke for the universities that has been part of their funding dilemma for so long: Funds are provided that then presume other costs, but the other costs are not met. Somehow you then have to get those costs out of an operating fund that already has been constrained by 15 years of decline and restraint, and there just ain't the wherewithal to do it.

It is like the research funding all over again. Various funding agencies, sponsored research and nonsponsored research, come into the university. Then you have to meet all the lighting bills and the space costs and the support mechanisms that make it possible to plug in the equipment and to get the whole thing operational. We have been through the overhead costs to date in the research area.

Here we are back into a program that raises all the same questions; that is the problem. It is not as though the faculty members out there have traditionally had one secretary per faculty member. Department after department has a single secretary for 20 or 25 members. They are all productive and active people, and they are tumbling all over their secretarial staff trying to get any kind of backup and assistance to turn their jobs into very efficient teaching operations in the system. They are loaded down with increasing faculty-student ratios and what have you, and there is also proportionally less money, as I indicated the other day, to hire some of those services themselves, as they might otherwise have done.

Therefore, when you say that you conceive it in such a way that then you have to get all these backup moneys from the operating fund, it is really, truly a kind of cruel joke you are embodying in the program. It would be much better to say, "We will fund 350 faculty members, but we will do it in such a way as not to force the universities into those tradeoffs that

they have become almost incapable of making internally." That is the real problem.

We all would have liked the greater amount of money and to have had all these supports built in. But who are the people who frequently are being hired into these positions? They are people who have been living on the fringe of the university, if you like: contract employees for a year at a time who have been fed into the system. They move around from one vacant professor's office to another. They have no backup in terms of extra equipment. They have to use the shelves vacated by a professor who has gone—I suppose boxes and books. The visiting professor goes in, and then the professor comes back and it all goes off the shelf again. One gets all sorts of functional irrationalities and inconveniences that reduce the efficiency of the system.

It would have been so much better to have designed it as a new kind of package that would inaugurate a new approach to structuring these packages for the university system and that would not give the universities the message all over again, "Here we go again." Do you see what I am saying?

Hon. Mr. Sorbara: I wonder whether we could just ignore the clock for a moment so that I will have an opportunity to comment on Dr. Allen's assessment of the fund and the program.

If we were dealing here with sponsored research, I could agree with him wholeheartedly, particularly because of the dramatic overhead costs of research in institutions. Additional costs that the universities have to bear often range as high as 50 or 60 per cent of a research grant.

However, I do not think his comments are fair in respect of the faculty renewal program. Indeed, if that were the case, I would be hearing very loudly from institutions that we are frustrating their budgeting process. But in faculty renewal, because salaries are such a large component of the budget of each institution, it simply is not the case that we saddled the institutions with huge incremental costs that they cannot cope with and cannot find.

If you look at the mix of the three funds that were there—and you realize that there is creative budgeting within every institution to adjust for some pressure—you will know that, in this case at least, we have provided a resource that will not create chaos and confusion on all the other line items in university budgets.

Look, for example, at library enhancement and equipment. We took some pressure off there. Some relieving of the pressure there will be applied here, to the very small costs, relatively

speaking, associated with supporting the faculty renewal program to the extent it must be done within an institution. Similarly, \$25 million in the overhead costs of the research fund relieves some pressure that ultimately, in the great pool that is the budget of an individual institution, will help in that regard.

Certainly there will be some small pressures, but I think they are so minimal in the area of faculty renewal as to be insignificant in comparison with other sorts of activities, particularly funding through the three research councils, which really do sometimes create a frustrating situation for an institution.

The comparison with research overhead is inappropriate here; it just does not equate. Dr. Allen is shaking his head, but the fact is that it is comparing apples and oranges. It is not a program that is going to be frustrated by the lack of ability to support it to the extent that an

institution has to support it under general operations. I have not heard that argument from institutions. I have heard the argument that it had to be long-term. We made it long-term. We are confident, and what I hear from institutions is that the program is going to be effective.

Mr. Allen: You have not heard it from institutions, because you have been talking with other administrations. But the deans are engaging in creative budgeting, which chairmen of departments find very inconvenient, to say the least.

The Acting Chairman: Dr. Allen, we can take that up at another time. Seeing that it is 6:33 of the clock, we stand adjourned until Thursday after routine proceedings.

The committee adjourned at 6:33 p.m.

CONTENTS

Tuesday, October 21, 1986

Ministry administration program:	S-576
Main office	S-576
University support program:	S-577
Adjournment	S-601

SPEAKERS IN THIS ISSUE

Allen, R. (Hamilton West NDP)
 Harris, M. D. (Nipissing PC)
 Jackson, C. (Burlington South PC)
 Johnston, R. F., Chairman (Scarborough West NDP)
 McFadden, D. J. (Eglinton PC)
 Offer, S. (Mississauga North L)
 Warner, D. W. (Scarborough-Ellesmere NDP)

Witnesses:

From the Ministry of Colleges and Universities:

Sorbara, Hon. G. S., Minister of Colleges and Universities and Minister of Skills Development (York North L)
 Adlington, A. K., Deputy Minister
 Lyon, D., Executive Co-ordinator, Corporate Planning and Services
 Cummins, R. L., Director, University Relations Branch

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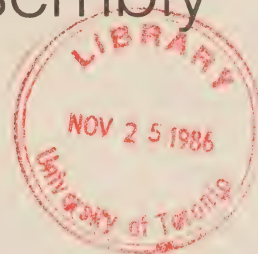
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No. S-25

Hansard

Official Report of Debates

Legislative Assembly of Ontario



Standing Committee on Social Development

Estimates, Ministry of Colleges and Universities

Second Session, 33rd Parliament

Thursday, October 23, 1986

Speaker: Honourable H. A. Edighoffer

Clerk of the House: C. L. DesRosiers

CONTENTS

Contents of the proceedings reported in this issue of Hansard appears at the back, together with an alphabetical list of the speakers taking part.

Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff at (416) 965-2159.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, October 23, 1986

The committee met at 4:05 p.m. in committee room 1.

ESTIMATES, MINISTRY OF COLLEGES AND UNIVERSITIES (continued)

Mr. Chairman: Seeing a quorum, I call the committee to order.

On vote 2802, university support program:

Mr. McFadden: I want to ask the minister one question vis-à-vis excellence fund capital grants. The other day we chatted about the formula applied in the excellence fund operating grants. I wonder whether the minister can provide information about how the capital grants are allocated and the approval process for them.

Hon. Mr. Sorbara: Can you direct me to the page?

Mr. McFadden: It is page 47.

Hon. Mr. Sorbara: Let me say at the outset that the \$9.8 million in estimates under capital grants simply represents that portion of the excellence fund announced in respect of capital. My friend the member for Eglinton (Mr. McFadden) will recall that was not part of the excellence fund I announced on October 17, a year and a few days ago, but he will recall that in the budget statement of October 24, the Treasurer (Mr. Nixon) did include additional components to the excellence fund, including a capital component.

My friend asked me how capital is allocated out of the excellence fund. I should tell him we did not have a specific allocation process for capital coming out of this component of the excellence fund. What we did rather was include it in the regular capital allocations for the ministry and allocate those sums for the year. In other words, we had regular capital allocations of \$20 million to spend in 1986-87. How did we do it? We divided it up into three components.

The first component simply directed \$6 million to cover the capital costs of projects initiated in prior years. In other words, they were ongoing capital commitments we had to honour, notwithstanding that they were commitments we did not make but projects midway through construction. We simply allocated \$6 million towards them.

Then what did we do? We have a problem in universities. This is a problem university presidents brought to my attention. On the first occasion I met them in convocation—I remember the date exactly, it was actually one day after my appointment as minister. By coincidence, they happened to be meeting in my riding, at Eaton Hall on the King campus of Seneca College. One of the things they said to me was: "Your ministry nickels and dimes us to death. Your ministry has an initiative, but the kind of paper burden it puts on us and the kind of detail it wants often makes it cumbersome and sometimes impossible to proceed with the effective spending of the money."

This was mentioned particularly in the area of small capital projects. For example, if they want to repair a roof, that creates a lot of paperwork, a review, an approval process and visits from the ministry. Speaking with my ministry officials, I said: "How can we deal with that more effectively? How can we get government off the backs of the institutions in certain respects, particularly in this area of small renovation projects?"

16:10

The ministry came up with the idea, and I think it was a good one, of creating a renovation fund. We took \$9 million of that \$20-million capital and we created a renovation fund. That was a fund to be allocated to institutions on a formula based on space of some sort, such as net classroom space, some formula they all agreed upon. We told them: "Do your own renovations. Determine by your own priorities whether it is fixing a roof or a stairwell, creating a ramp for handicapped people, or whatever."

That was one of the most welcome things, although it is a small amount, we undertook during the past year because it allowed them to set priorities. It is a question of accountability. An institution has to satisfy us at the end of the year that its portion of the renovation fund was spent on renovations based on guidelines. It is a matter of accountability rather than, "Let us look at all your little projects and let us choose which one you are going to take on."

So, we have a \$6-million carryover, a \$9-million renovation fund and we used \$5 million to initiate or complete fully a number of capital projects around the province. I should mention four in particular in response to your

question. One is an allocation of money towards a new law library. The member will be interested in that, being a lawyer; and a rather good one I understand. Is there some disagreement about that? There is a variety of opinion there.

There is a new law library in honour of the late Bora Laskin at the University of Toronto, a new building at Wilfrid Laurier University, a new building at York University and the reconstruction of a building at the University of Ottawa. There were a number of other projects, including one at Scarborough College and another at Nipissing College. I am sorry your good friend the member for Nipissing (Mr. Harris) is not here to hear about that. I am sure he would say it is not enough.

Mr. McFadden: Do you want me to get him down here?

Hon. Mr. Sorbara: Perhaps you want to get him down here. I do not know.

Mr. Chairman: I enjoyed it last time.

Hon. Mr. Sorbara: I did too. I would love to have him here, particularly as we are talking about Nipissing.

There were a few smaller projects, but capital projects none the less. The core of your question is how you allocate them. Institution by institution, they send in their list of priorities. They have a capital plan, and we are encouraging institutions to have more concrete and more long-term capital plans. They send in their list of priorities. Every institution has its list of priorities with the ministry. The ministry examines those and sends officials out into the field to evaluate them. That is an on-site visit. They get a sense of the priorities and a sense of the needs and then they submit to me a list of projects they would recommend for initiation or completion through the balance of the regular capital that we have to start new projects.

In virtually every instance, I simply accept the recommendations of the ministry to utilize the funds we have for new construction. In the instance of last year, I did not completely accept the recommendations of the ministry because I did not think there was enough new construction started. I wanted to use those funds and lever those funds into at least one additional building. My personal sense, as a result of my tour, was that at York University there was the greatest requirement for some new space because it had grown so large in terms of its student body and really had only built half the number of buildings contemplated for that number of students.

I spoke directly with the president of York University and I said to President Arthurs, "I

would like to see if we cannot fund a new building on York campus because I know how desperate you are for additional space." We talked about that, and he submitted the suggestion that we proceed with a fine arts building at that campus, as phase 2 of its fine arts complex.

That, in brief, is how it is done.

Mr. Chairman: I want to remind members that we started the day at about five past four and we have an hour and 15 minutes left. We are still on vote 2802, we have not dealt with the colleges at all and the minister is due to go to cabinet at 4:30. We seem to have a bit of a problem about how we are going to allocate the rest of the time today and how we are going to finish the estimates. I wonder if there can be some—maybe I should not wonder, but let people suggest.

Mr. Warner: Can I—

Mr. Chairman: It would be very wise if you would let me, David, but go ahead.

Mr. Warner: David McFadden may recall I mentioned I had used approximately 20 minutes and I required about 10. I can probably shorten that to two or three minutes. What I would like to do, with the permission of the chair and others, is to place a couple of questions which do not need to be answered today, but which I would appreciate having answered in the next little while.

That is all the time I require on colleges. I realize the colleges always take a back seat to the universities, both in respect of the government and in respect of the former government, but they remain in the front of my perspective.

Mr. Chairman, if I may be permitted, I wish to place—

Mr. Chairman: Let me check to make sure there is a consensus on this because we are at another vote.

Mr. Warner: —two issues.

Mr. Chairman: I think the point is made. Is there acceptance of the notion that at this point we might allow Mr. Warner to come in and take a few moments on the colleges side of things, recognizing that is not on this vote but that we will be returning to this vote in case either of you have other matters on it?

Mr. McFadden: I have no problem.

Mr. Chairman: At that point we can decide what we would like to do in the minister's absence.

Mr. Warner: I have two issues and I will place them very succinctly. One is governance about which the government today was attacked

on its own benches, and I can understand and appreciate that.

Hon. Mr. Sorbara: I appreciate the rather loose choice of words there by my friend the member for Scarborough-Ellesmere (Mr. Warner) when he says "attacked." Let the record show—

Mr. McFadden: It is a vicious attack.

Mr. Chairman: The member put an adjective in there.

Hon. Mr. Sorbara: I heard it.

Mr. Warner: I left out the word "vicious," but I thought it was certainly an aggressive attack.

Hon. Mr. Sorbara: It was a well-put question, I think, and a brilliant answer. Was that what you were going to say?

Mr. Chairman: One of the suggestions that was being made earlier is that Mr. Warner would place questions now. I remember that.

Mr. Warner: In a sense it is a question I placed earlier. I want to know what approach the new government is prepared to take on the question of governance, whether it is prepared for the first time to allow a student voice, a faculty voice and a support staff voice in the governance of the colleges.

Hon. Mr. Sorbara: I would like to answer that question.

Mr. Chairman: How would you like to operate? Would you like an answer at this stage?

Mr. Warner: If there is an answer. I am not saying there should be answer today.

Mr. Chairman: The minister is prepared, and we are all here, so why do we not hear it?

Hon. Mr. Sorbara: David, I am glad you asked that question. I would be interested, by the way, in answering, to hear your views on Mr. Pitman's study, which touched on a lot of interesting issues. He certainly did a great deal of consultation and he made a number of important recommendations.

The issue of governance is one I have really pined over, done a great of thinking about and a great deal of consulting on. For a while, I was stopping anyone remotely associated with the college system and asking: "Have you read Mr. Pitman's report? What do you think about it? Have you got any ideas?" Frankly, I do not think he covered the entire territory and answered all the questions that might have been asked.

Mr. Allen: Did you really expect one man, with other full-time duties, to do the work of a full commission?

16:20

Hon. Mr. Sorbara: I know, Dr. Allen; that is right. We wanted it to be really quick. There was a sense that we could get some good advice from that perspective, and we did get it. That is not to downgrade the report. There are a number of principles there which were working. We sent out 10,000 copies of the report right across the province. We did not just get advice and keep it to ourselves and decide what we were going to do. We got a lot of responses. Poor Elisabeth Scarff in the ministry has a huge binder of responses and is responsible for reading them all and making sure I know what is in those responses.

This is my personal view rather than some official policy. There is a crucial element in forming or adjusting or improving the governing system in colleges. On the one hand, each college is a free-standing, independent, living, breathing, organic institution of higher learning. It is an educational institution. It has a life of its own, its unique culture and its unique access, and it carries on the work of teaching and learning with the emphasis on education for employment. That is the one dynamic.

The other dynamic is that these 22 colleges collectively represent an instrument of social and economic policy of a provincial government. That kind of analysis was confirmed to me today by a Professor John Dennison of the University of British Columbia, who is one of the leading experts on community colleges in Canada.

Any improvements we make to governance have to reflect that reality and that tension. I suggest to my friend the member for Scarborough-Ellesmere that very reality is represented in each faculty member who is a professional teacher or an expert in a certain area, whether it be shop mechanics, computer-assisted design or manufacturing; he is a professional. He is also a member of a province-wide union; he is a member of the Ontario Public Service Employees Union along with every other provincial employee and, therefore, part of a provincial union. That dimension exists in every faculty member. That has to be the context in which we make changes to governance.

I did not like Walter Pitman's view, the central part of his thesis, that we should have three advisory councils, each of them advisory and different. The principles with respect to internal representation—that is, members of the internal community college system, whether students, faculty or administration—we accept in principle. The issue is how we are going to evolve from

what we have now to that stage. We are committed to developing a plan to evolve, not slowly but quickly, based on where a particular board is right now.

For example, at Sir Sandford Fleming College, we have participation from constituent elements of the internal community. We have full participation. The only thing they do not do is vote. That is okay, because they never vote on the Sir Sandford board; they simply achieve a consensus among the board and carry on with the business.

Mr. Chairman: It is sort of like the NDP caucus.

Hon. Mr. Sorbara: That is right. We are moving in that direction, and very shortly we will be enunciating a plan to achieve that. My one hope, though, is that with that representation on board, those representatives do not represent constituencies. I hope they come from constituencies and act as board members. That may be subtle, and you may not agree with it, but the segmentation of the internal community into constituencies is one of the things we are trying to counterbalance. We are trying to create structures that will effect a different variety than, "I am a member of the faculty," "I am a member of support staff" or "I am a student." We are trying to bring the community closer together in a consultation process.

I just got a note—

Mr. Chairman: I see it. It is a good one. You did not react as I expected you to, leaping from your seat. This is a good attitude. The Premier (Mr. Peterson) is awaiting the minister; so he has to leave. There are a couple of things. One is, why not place the question while you have the minister here and then discuss what we want to do in his absence?

Mr. Warner: I appreciate your answer, Minister. You certainly validated why the government member was attacking the government.

Hon. Mr. Sorbara: I sided with your opinion. Do you not agree with that strategy?

Mr. Warner: I cannot agree with gobbledygook.

Mr. Chairman: Order. I am trying to—

Hon. Mr. Sorbara: I will say it more surely. We are going to proceed with internal representation, and we are going to do in a timely fashion. I think the whole thing will be in place in two or three years.

Mr. Allen: That is a refreshing statement.

Mr. Warner: Okay. We are finally making progress.

Mr. Chairman: Give him the questions before he goes.

Hon. Mr. Sorbara: We have eight hours to eat up. I cannot give you one-sentence answers.

Mr. Warner: Will you provide for me in the next little while the effect of the federal government's withdrawal of funds on colleges? I will give you one case, and this is the way I would appreciate it being broken down.

I understand that because of the federal government's lack of interest in the community college system, there will be withdrawals of funds affecting Prescott-Russell, which will lose 40 per cent; Lanark, 25.9 per cent; Pembroke, 31.8 per cent; Renfrew, 23.2 per cent; and Ottawa 6.9 per cent. Those figures are for Algonquin College. There are 21 other colleges. I will appreciate it if you will provide me with the figures, campus by campus—

Hon. Mr. Sorbara: Not college by college?

Mr. Warner: College by college, campus by campus.

Hon. Mr. Sorbara: You have to be more precise. After all, you are the questioner.

Mr. Warner: We want to know for each campus of each college what the federal reduction will mean in terms of the withdrawal of funds from those colleges. In the case of Algonquin, for example, we know there will be six layoffs and seven involuntary transfers; that is as of today and may worsen.

What will be the provincial government's response to those withdrawals? The federal government does not have a lot of interest in our community college system. I want to know, first, precisely how much money is going out of our system as a result of the federal government's action; and second, how you intend to respond to each of those situations.

Hon. Mr. Sorbara: I will undertake here and now to provide you with those answers, college by college and campus by campus, in a timely fashion. I should tell you the federal government committed itself to purchasing on a global basis training, directly and indirectly, in community colleges in this fiscal year at the very same level as it did last year. That was its commitment—not commitment but—

Mr. Warner: They have not done it.

Hon. Mr. Sorbara: Let me finish my answer, because the Premier, who is responsible for my future as far as employment is concerned, is

waiting. That is the written agreement, and you have seen it. It says that it in 1986-87 purchasing will be at the same level. If they do not do it, they come up front with the cash and just give us the cash.

Mr. Warner: You do not have the money, though.

Hon. Mr. Sorbara: Whether the federal government is going to buy seats is the federal government's determination, just as it is the purchaser's right to determine whether he is going to shop at Loblaw's or Dominion.

Mr. Warner: When they let you down, what are you going to do?

Hon. Mr. Sorbara: We are going to sue the you-know-whats. May I, Mr. Chairman?

Mr. Chairman: Somebody will pass you messages about whether we decide to sit in the interim. The problem is that we have approximately two hours until we adjourn for the day and less than an hour of estimates remaining. Our options—we discussed them before, but we did not reach any conclusions—are to proceed now with senior staff, if we wish; to recess until the return of the minister and hope we have enough time to do it; or to make an agreement to recess until the minister returns and conclude our deliberations no matter whether we totally use up the total of eight hours or not. I do not know what other options we have.

Clerk of the Committee: You can pass all the votes now and go home.

Mr. Chairman: We can pass all the votes now and leave for the day. I do not know why I missed that one.

Mr. McFadden: I suggest we recess pending the return of the minister to complete the allocated time. I understood it to be half an hour. Is that inaccurate? Is he expected to be longer?

Mr. Chairman: His expectation was half an hour. He is now 15 or 20 minutes late for his appointment; so we do not know what may have happened with the agenda.

Mr. Allen: Do we have an option to get the best of both worlds? We could suspend the clock on estimates time in the minister's absence but at the same time proceed with questions for senior staff so we can get the full range of our questions answered even though the minister is not here.

Mr. Chairman: It might be difficult to get agreement from opposition critics to reduce the time for estimates. It might also be difficult to get agreement from the minister, especially in

absentia but even if he were here, to extend the time of estimates in that fashion.

Another alternative would be to place questions now in absentia on things to which you want a written answer. That is the kind of thing Mr. Warner did.

There is another option. There are so many options in life, it is wonderful. We could adjourn now until a specific time, and if the minister has not returned at that time, we could reconvene and make a decision about what we would like to do. We can give him 40 minutes or until he returns, if he returns before that. Shall we adjourn until 5:10 p.m.? Does that give us enough time?

Mr. Allen: I do not know why you cannot indulge in a little casuistry, Mr. Chairman.

Mr. McFadden: How much time remains, now that we are adjourned?

Mr. Chairman: It leaves us 50 minutes, which would still give us a little more than 20 minutes leeway if he were late at that time.

Have you completed your discussion of the first vote?

Mr. McFadden: I am pretty well finished. We should go on to colleges.

Mr. Allen: I have one question I want to ask the minister. I do not know that it necessarily relates simply to universities. It could be construed as universities and colleges together for an answer.

Mr. Chairman: If you like, we can take the vote on this one, and I will find that in order. The vote will be on 2802, item 1, provincial support for universities, and item 2, Ontario Council on University Affairs.

Mr. McFadden: Can I ask one question on that very briefly? Do the members of the Ontario Council on University Affairs receive an honorarium?

Mr. Chairman: There is an honorarium.

Mr. Cummins: A per diem.

Mr. McFadden: Do you recall what it is?

Mr. Cummins: I cannot recall. I would have to look that up.

Mr. Chairman: Will you give notice of that? Would you like that answered?

Mr. McFadden: Yes.

Vote 2802 agreed to.

Mr. Chairman: When we reconvene, we will start off with word on the honorarium and then move on with the minister to the next vote.

The committee recessed at 4:33 p.m.

On vote 2803, college support program; item 1, provincial support for colleges of applied arts and technology:

The Vice-Chairman: Is there any comment on vote 2803, item 1, from either of the critics?

Mr. McFadden: Hold on a second. Let me turn my book. It is nice to see you here. The chairmanship in this committee has gone through so many incarnations, it is unbelievable.

Mr. Callahan: They are getting better looking.

The Vice-Chairman: One of the reasons the committee is such an effective and energetic one is it has so many able members on it.

Is there no comment on vote 2803, item 1?

Mr. McFadden: I have a couple of queries. One of them is something I am happy to give as notice, and the minister or the deputy can provide me with the information. I am curious to know what has happened with appointments to the boards of the various community colleges since the minister has assumed office. I wonder whether I can get information on what appointments have been made during the past while. That does not seem to be present in any of the documentation here, unless you have a central area where the various appointments to community college boards are listed.

Hon. Mr. Sorbara: No.

Mr. McFadden: Perhaps you can take it as notice and provide me with the information.

Hon. Mr. Sorbara: I will take it as notice, but I will give you a little background at this point. You know, of course, that appointments to the boards of community colleges are wrapped up in the question of governance, which is a question we have been looking at. The Ontario Council of Regents for Colleges of Applied Arts and Technology has the statutory and regulatory responsibility to make appointments to the boards of governors of each of the 22 community colleges. Because of some uncertainty about the future of governance and the future of the Council of Regents itself, not very many appointments have been made—very few, I think, perhaps none—during the past six, seven or eight months.

There are a number of people awaiting appointment, in the sense that the Council of Regents must take the responsibility to ensure there is a quorum for each board and that the board is properly manned/womanned at each institution. I have recently told the Council of Regents that, notwithstanding any changes we make, it should proceed with searching out

suitable candidates and appointing. These are not order-in-council appointments, by the way.

Mr. McFadden: No. I was curious to know what has been happening on this.

Hon. Mr. Sorbara: We could bring you up to date in writing as well.

Mr. McFadden: Would you mind? I have not been—

Hon. Mr. Sorbara: It is rather an imposition, and we are very busy around the ministry.

Mr. McFadden: I know you are.

Hon. Mr. Sorbara: But for you, David, anything.

Mr. McFadden: Thank you.

Vis-à-vis the excellence fund, correct me if I have the wrong figures, I have been trying to work my way through all this. When the excellence fund was originally announced in October 1985, it provided for \$80 million in the fund. My reading was that \$50 million was earmarked for the university system and \$30 million was allocated for the community colleges.

According to the estimates here, it appears that the universities have secured what seems to add up to \$63.5 million, in round figures, and the community colleges \$16.5 million. What has happened? Did the minister reach the conclusion that additional funds should be added to the universities and the community colleges should be cut back? I may have the figures wrong or have totalled them wrongly, but these are the figures I have been able to discern from looking through it. It seems to me the community colleges got less than the share they should have of the excellence fund as it was originally announced for both systems.

Hon. Mr. Sorbara: You are absolutely right, except in your figures. The original announcement was the university excellence fund. That was a \$50-million fund. Let us call it a university program excellence fund, because it was programmatic stuff, such as faculty renewal, research, library enhancement and equipment. I made the announcement, and that is all there was for the time being.

In the budget of the Treasurer he expanded on "excellence funds for colleges and universities." What he did at that time was to announce a \$10-million program fund for colleges for library books and equipment. He also announced capital excellence funds of \$6.5 million for colleges, to be added to the base budget before capital, and \$13.5 million for universities in the capital excellence fund.

To review, there was a total of \$60 million in program excellence funds, \$50 million for universities and \$10 million for colleges. There was \$20 million in capital, \$13.5 million for universities and \$6.5 million for colleges. Let me now turn to John Humber and the deputy and ask them whether I am right on all those figures.

Mr. Humber: Yes, for a total of \$80 million.

Hon. Mr. Sorbara: I am not sure whether I am responsible for the error in perception, but there was a continuing sense out in the community that it was \$50 million for universities and \$30 million for colleges. That was never the case.

Mr. McFadden: That was the information I had, and I could not figure out why that did not appear in the estimates.

Hon. Mr. Sorbara: In the real college excellence fund, the figures are \$16.5 million, which is \$50 million operating and \$6.5 million capital.

Mr. McFadden: The balance of the \$80 million is the university's share.

Hon. Mr. Sorbara: Yes.

Mr. McFadden: In terms of your distribution of the moneys, \$63.5 million versus \$16.5 million, is that in ratio to the relative needs of the system or was a formula worked out to determine that?

Hon. Mr. Sorbara: No. In some respects, these are generated by Treasury, but I will be very frank with you, the size of the college excellence fund was substantially lower than that allocated to the universities because there was another pressure point in college budgeting which had not been determined at the time of this announcement. That, of course, was supplementary estimates, supplementary payments to colleges in conjunction with faculty negotiations that were going on right at that time. We had to budget in anticipation of funding the settlement that was arrived at. That had been our commitment and that is what we did.

Mr. Warner: The funding of the settlement was apparently well received by staff as well as by administrators.

Hon. Mr. Sorbara: The funding of the settlement has put the community college system as a whole on an entirely new footing. David, you will know when you go around to the institutions these days, there is a mood of excitement and revitalization and anticipation that these places are changing and improving dramatically. There is nothing like being responsive to the budgetary needs of institutions to

change the way they think about the work they do.

Mr. Warner: On a note of caution, when you have your little excursion through Centennial College, you will find that the area is overcrowded and the staff do not have sufficient space within which to work effectively.

There is a very serious concern, which I know I raised before and I guess is going to be a point of departure for us. As the federal government withdraws its funds, the colleges are going to suffer. Unless the provincial government is prepared either to offset that amount or to attack the federal government vigorously in order to get what is rightfully ours, the college system will suffer.

Hon. Mr. Sorbara: Any advice you have for me on how to deal with the federal government, which is fixed on reducing its deficit to the exclusion of any other priority consideration, is welcome. We have made representation, and I have asked Benoît Bouchard for a meeting to discuss the Canadian Jobs Strategy. I have not heard one nice comment about the Canadian Jobs Strategy from anyone except officials of that ministry. Indeed, as I said, I was talking to John Dennison who said it is a disaster.

Mr. Warner: I agree. That is why I am so puzzled as to why you would have entered into any kind of formal agreement with the federal government. Quite frankly, I would not have.

Hon. Mr. Sorbara: I can appreciate that was one of the options. The fact is that the federal government was going to reduce its purchasing anyway. You have to remember that this is a federal government not allocating grants, not supporting our institutions, but buying services. The direction had already gone out to the federal ministry to reduce its purchases. Their view was that they wanted to reduce their purchases in the first year by 20 per cent.

Contemplating the disastrous results of that and balancing it with what we got, which was a commitment to purchase at the same monetary level, I think somewhat softened the blow from a government that is inflicting an even more brutal blow in some provinces where, notwithstanding the fact that they had not signed the agreement, they implemented it anyway. It is their money, and they say, "It is our money and we will spend it however the hell we please." The National Training Act agreement came to an end at the beginning of the fiscal year so they just do whatever they want. I think the popularity of that government is suffering as a result of those kinds of decisions.

18:00

Mr. Warner: I do not suppose any of us would like to see the country suffer any longer than is necessary under the Mulroney tutelage. Notwithstanding that, it seems to me that with respect to the college system or skills training in general, Ontario plays a pivotal role in this country. While other provinces have not signed the agreement and are still—

Hon. Mr. Sorbara: They suffer the same consequences.

Mr. Warner: —suffering, Ontario is in a unique position in that it is still the industrial leader in the country. What we do here is important. I think that when Ontario stands up against Ottawa, it is more important than when smaller provinces stand up against Ottawa. That is why I believe if we take a stand against the federal government, it is more significant than when other provinces take a stand. You made a decision and I respect that, but I would have made a different decision. I guess that is just the way it is.

There are two items I want to raise. One is governance. From what you said before, you have decided to retain the Tory buffer that has been there for a long time in the Council of Regents. It was always a very convenient buffer between the minister and the reality of what was delivered in the colleges. Those were always very cushy appointments that could soften the blow between a minister and bad news that was to be delivered. I am a little surprised that you have decided to hang on to that decrepit body. That is your choice. I think it is wrong and I say so very clearly.

I have only played politics in one way and that is straight. To be very straightforward, when you get around to the governances of the individual colleges, college by college, notwithstanding the Council of Regents, I want to see in those colleges a balance reflecting the ethnicity of our province, reflecting gender and reflecting age and interest, so working people are represented, women are represented and the ethnic communities, community by community in this province, are accurately reflected in the makeup of the college. That has not happened.

Hon. Mr. Sorbara: I ask my good friend the member for Scarborough-Ellesmere how we will solve that problem in the Legislative Assembly. Is he going to stand down the nomination next time so we can have a more balanced Legislative Assembly? This is the ultimate expression of democracy and representation in the province. I hear what you are saying. You know as well as I

do that the process of appointment has a number of factors to it. How are we going to get more female judges on our benches?

Mr. Warner: By appointing female lawyers.

Hon. Mr. Sorbara: Part of what we do is educate more female lawyers. If you visit law schools now, you will see that the balance is pretty good. The balance is very good. As to appointments to boards of governors, I am of the view that we want the boards of governors to reflect the community. The way we do that is not simply to put the appointment process in the hands of the minister, or the ministry or the cabinet office. I think we should put it in the hands of a body such as the Council of Regents with some broad guidelines so there can be a new context in which to appoint.

You know as well as I do that the appointment process is fraught with difficulties. The appointment of an individual to the board of governors is not some sort of glorious: "Am I not great? I just got appointed to the board of governors of Centennial College." It is a nonpaying position. You do not get anything for it in terms of salary, per diem or anything. What you get is an opportunity to take on a very substantial work load. If you become the chairman of that board, it can interfere with your life to a very significant degree.

I agree with you, David, that those boards should be more reflective. I also say that the process is an imperfect one. You have to be very careful about the way in which you achieve those objectives.

Mr. Warner: It is not easy. I acknowledge that. What I do not want is what happened in the past. What I want is a new way, a new approach and a greater sensitivity to the total community. After all, to single out one aspect of it, the community colleges are supposed to be the places where we provide skills training for working people. It seems to me working people need to be represented on boards of governors. To date, that has been extremely difficult to achieve. All I am asking is that the government be more sensitive to that than it has been in the past. It is not easy to come up with some structure to make that happen.

Hon. Mr. Sorbara: Have you represented Scarborough-Ellesmere since 1977?

Mr. Warner: Since 1975.

Mr. Callahan: He had a brief vacation.

Mr. Warner: A sabbatical.

Hon. Mr. Sorbara: Everyone deserves a vacation. How many times have you approached

the Council of Regents with names of people you thought were qualified to sit on the board of governors of Centennial College of Applied Arts and Technology? Part of that process is just bringing it to the attention of the appointing body. I think the answer you should give for the record would be—I will let you answer the question, if you choose to.

Part of the process is that there is a body created by statute and appointed through order in council with the responsibility of appointing. They will do a better job if they have submissions and recommendations. It is not a matter of the Council of Regents having a huge pool of people from which it selects its friends and political allies; it is sometimes hard work trying to convince someone to sit on a board and take up two, three or five evenings a week being at meetings at Centennial College, Northern College of Applied Arts and Technology or wherever, instead of being with family.

The appointment is one day of glory and six years of rather challenging work. I say to you, the MPP for that area, bring the names of people to me, to the Council of Regents, to the attention of the government, and we will see, with that assistance, that those boards become more reflective.

Mr. Warner: Your system has changed. I do not know whether you are familiar with the patronage system and the way in which it has worked in the past, but believe me, it was never that simple. The Council of Regents is the first body to get rid of if you want to initiate some real change in the system, but you are not prepared to do that. Such is life.

Hon. Mr. Sorbara: No, I am not prepared to do that.

Mr. Warner: The other, and the last, issue I want to raise is student aid.

The Vice-Chairman: Is the member still on vote 2803, college support program; item 1?

Mr. Warner: Ontario student assistance program, which does not come under that.

The Vice-Chairman: That comes after the colleges estimates. Do you want to hold that for the moment? Does the Conservative critic have anything further on item 1 under vote 2803?

Mr. McFadden: No.

Item 1 agreed to.

Item 2 agreed to.

On item 3, Ontario Council of Regents:

Mr. McFadden: I have a question. There are two items I want to explore. One is on page 89, under "Activity Financial Summary." This coun-

cil appears to have been considerably over budget. Down below there are explanations for that which are hard to follow. I can understand "Salaries: Increase due to salary awards."

The one for the services category, which seems to be the main cause of being over budget, says, "Additional funds for collective bargaining for academic and support staff." I assume these were not salary awards; the funds were not required for that purpose.

The Vice-Chairman: No.

18:10

Mr. McFadden: Is this for negotiators who were involved, who had to be retained, lawyers and consultants and so on, to deal with the collective bargaining process?

Hon. Mr. Sorbara: Being a high-priced lawyer yourself, David, you will know that you are right on target. Perhaps I could ask for a greater explanation of that line item from John Humber, director of the college affairs branch.

Mr. Humber: Those expenses are almost entirely for legal fees. There are some additional items for accommodation for the negotiation process, which of course took place outside the premises the whole time. That accounts for the whole of that overspending.

Hon. Mr. Sorbara: Lawyers always win, David, you know that.

Mr. McFadden: I hope so. Another thing I noticed here is that you are obviously expecting considerable expenses in 1986-87; a little less than the actuals from 1985-86 but more than the estimates for 1985-86. I take it you are trying to be safe and put a larger amount in your estimates for the next year than you did for the previous year in order to have a cushion. Or are you expecting problems?

Hon. Mr. Sorbara: John, do you want to respond?

Mr. Humber: The council has traditionally overspent. Almost without exception in my tenure, negotiations, etc., have exceeded the estimate and supplementary funds have had to be found elsewhere. This is a recognition of the real level of the council's normal funding.

Mr. Warner: It sounds like my bank account.

Mr. McFadden: I want to ask about one other matter in relation to the Council of Regents. It relates to the combination of the Pitman report and the Skolnik report. Skolnik recommended a substantial amount of local governance in terms of both bargaining and a role for the faculty, students and others in academic planning.

I am curious to know from the minister whether he is considering devolving, as Skolnik recommended, the negotiation of contracts with staff and so on to the local boards, or whether the intention is to go more with the current model, and essentially more or less along the lines of the Pitman report, for maintenance of the province-wide bargaining. What is the thinking of the minister now? Is that still under review at this time?

Hon. Mr. Sorbara: Mr. McFadden asks a very difficult question. Michael Skolnik was very much in support of a regime of local bargaining. There is a great deal of attractiveness to simply changing the system and having each college bargain individually with its faculty. It allows the people who are charged with working together to negotiate the terms under which they are going to be working together.

At first blush, it looks very attractive and easy. Of course, the Ontario Public Service Employees Union is dead set against local bargaining. They object to it in very plain terms.

The dilemma we were faced with subsequent to the submission of Skolnik's work was that we simply were not going to proceed to change the law to create a local bargaining regime. In fact, the situation that confronted us was to get on with bargaining for a contractual term that had already started.

So we set the issue aside and I said at some point, after receipt of Skolnik's report, that we would be doing further study into the issue of local bargaining as against central bargaining or some other model; we would look at the collective bargaining process within the college system.

We have not undertaken that work yet and now, suddenly, we are faced with the requirement to begin the process of bargaining again for the next contract following this two-year contract, which I think will expire on August 31, 1987.

I did not want to start looking at that in the midst of contract negotiations, and now I am faced with that same regime again. I do not know the answer. I do not have any magic solution as to what the appropriate model should be. We have to do some more investigation: perhaps a two-tiered model, perhaps some issues bargained centrally and some issues worked out locally. The reality of the contract now in place is that it was a centrally bargained contract, but it was done with a great deal of hands-on work by presidents for the first time. In its actual implementation there was a great deal of local

adjustment of the contract to individual college needs. You do not want to change it if it ain't broken.

We have to get some top-quality people to look at this issue in a more concentrated way. Skolnik had to look at it within a very particularized context, because his responsibility was to speak to what was called instructional assignment, or work load, in the light of a strike and legislation that ordered teachers back to work. That was a storm and he was looking through a storm.

We have what I think is a more normal situation now in colleges and it may be the appropriate time to begin the process, taking a much closer look at the implications of local, two-tiered or centralized, with input from different places; who should do it, who should represent whom, all of those issues, including a number of issues that the Ontario Public Service Employees Union suggests should be looked at right away.

Mr. Adlington: If I may add to that, when Mr. Skolnik did his work, OPSEU per se chose not to meet with him on an official basis. I believe it was the same with Walter Pitman; they chose not to meet with him on an official basis. The OPSEU review is now being brought to bear through the ministry rather than through either of the consultants.

Mr. Warner: Why would they choose not to meet with Skolnik or Pitman?

Hon. Mr. Sorbara: It is easy to answer the question of why they chose not to meet with Skolnik. The reason is that, obviously, they objected in no uncertain terms to being legislated back to work. The legislation that ordered the faculty back to work directed that the issue of work load, which was central to the breakdown in negotiations and the subsequent strike, be resolved by way of a committee to look at instructional assignment; the Instructional Assignment Review Committee, IARC, as it was called. They just said: "This takes away our right to strike. This is a sham. It is awful. Work loads should be decided at the negotiating table, not by some legislated committee." Mr. Chairman, you would remember all of that.

The Vice-Chairman: I certainly do, very clearly.

Hon. Mr. Sorbara: Thus, they simply boycotted it. Notwithstanding the fact that they boycotted it, I think the views held by faculty members, individually and collectively, were appropriately spoken to within the report. Although they would not participate in it—they

washed their hands of it and would have nothing to do with it—the fact is that when it was realized, they said, “My God, that is a good report.” So they had their cake and they ate it too. That is not often the case.

The Vice-Chairman: With some legitimate objection to the bargaining taking place on the floor of the Legislature and a few other irregularities that accompanied that whole dispute.

Any further questions or discussions on item 3?

Mr. McFadden: Given the shortness of time, I do not have anything further.

Item 3 agreed to.

Item 4 agreed to.

Vote 2803 agreed to.

On vote 2804, student affairs program:

Mr. Chairman: Do I see a hand on my left?
18:20

Mr. Warner: I have a brief item. I understand that today in Quebec the students at the collèges d'enseignement général et professionnel are deeply disturbed about the level of support they personally receive. It seems to me this government has to come to grips with a fundamental question that the former government chose not to deal with, and that is the issue of the point at which education ceases to become a right and suddenly becomes a privilege so that therefore the student automatically should be burdened with mortgaging the future. This bothers me.

My colleague Richard Allen went through a long discussion on this. I guess on reasonable grounds we are quite prepared to admit there are more than financial reasons individuals do not attend post-secondary institutions. At the same time, we know there are financial conditions that are very difficult for some students to meet. It would be unthinkable to suggest in Ontario in 1986 that a student should pay a certain amount of money to attend grades 9, 10, 11 or 12, but suddenly it is quite permissible and acceptable to demand a mortgaging of the future for an individual to attend a post-secondary institution. This bothers me. I do not think it is right.

I am asking two things. First, is the government prepared to entertain a discussion on the principle? Second, is it prepared to ensure that over a period of time—I do not necessarily mean over the next two months—it will look at ensuring that attending a post-secondary institution is without a major financial commitment by the individual student?

Hon. Mr. Sorbara: That is a very difficult problem from the point of view of public policy. The reality is that 33 per cent to 35 per cent of the population of this province completes a post-secondary program at a college or university. Why should 33 per cent of the population have that opportunity and not the other 66 per cent?

Mr. Warner: A third completes a post-secondary program?

Mr. Adlington: In that age group.

Hon. Mr. Sorbara: Of that age group, I am told by my deputy.

Mr. Warner: A third of those aged 18 to 24 complete a post-secondary program?

Hon. Mr. Sorbara: I am not sure. We can argue among the ministry staff as to the figures, but if you sampled the population right now, I think you would find that a third has had the benefit of a complete program at a college or university. We invest heavily. Looking at these estimates, what are we talking about? What is the total? About \$2.4 billion is directed there. Obviously, there is no direct benefit to those who do not. We have a society that says: “Until you are 16 years of age, you have to go to school. You might not want to. It might not be doing you any good. It might be doing you harm. However, you have to go to school.” All of a sudden, you turn 16—my son turns 16 tomorrow—and the day after you do not have to go to school. You can walk away.

Mr. Callahan: He gets his driver's licence too.

Hon. Mr. Sorbara: He does not get his driver's licence tomorrow, I will tell you that. I own two old wrecks, and I need to keep them.

It has been 16 for quite a long time. Should it now be 18? Should we require that kids go to school until they are 18? Should we require them to go to school until they are 21? If we believe education is the ticket to the future, why is it 16 and not 18? Or, if you believe in freedom, why make it compulsory at all? Why does the individual not choose after the age of reason, which the Catholic church used to say was seven?

Now, why does it suddenly become a privilege? I am not sure why. I do not know the answer to that, except for historic reason. Should it be a privilege and, therefore, is it a privilege reserved to the economic élite? I am still not convinced that we have reduced the barriers to post-secondary education in the way we need to. We are dealing relatively comprehensively with the economic barriers, but there are other areas which Dr. Allen mentioned and which I do not

know how to begin to deal with. However, my final comment is that I think we are making fairly good progress on the economic front.

For the creation of the college system, once again I thank the bad old Tory regime—I love that phrase; was that not just great, in those bad old Tory days?—because the college system has been one of the great equalizers. It has been the area in post-secondary education where opportunities have opened up, which I think the politicians of the 1940s and 1950s did not even dream about. What more should we do? Do we have economic barriers still? I do not know. I am not sure whether student assistance is the great remaining barrier or whether there is something else.

Mr. Warner: I offer one quick example. You may have heard the program; I do not know. I listened to the Peter Gzowski show when they interviewed three students; they were all university students. The astonishing thing was that there was a young woman saddled with an \$18,000 mortgage, and the advice to her was to declare personal bankruptcy. At that age, 23 or 24, the answer given to her by her society is, "Declare personal bankruptcy as a way to help solve your financial problems."

We suggested as a society: "It is a really good thing for you to go to university to obtain a degree. However, we want you to go into debt, and we would like you to carry this debt through most of your adult life. If you cannot manage that debt because you are unemployed, then you should declare personal bankruptcy." I think that is wrong.

Hon. Mr. Sorbara: I have to interject here. It is very unfair to say that in most instances university and college graduates carry their student debt for most of their adult lives. That is not a reflection of the reality.

Mr. Warner: But I did not say "most."

Hon. Mr. Sorbara: You certainly did. I am going to read the record.

Mr. Warner: You can read the record. All I am saying is that is what was on the show, and as long as that is there, that is a challenge for the government to address. If you are not prepared to address that, then you are making a mistake.

Hon. Mr. Sorbara: We are concerned about it, and we are looking at a regime of contingent repayment. Remember that Edmund Bovey recommended contingent repayment. However, the largest expenditure in respect of student assistance from the provincial government is in the area of grants. You do not repay grants; you spend them.

Mr. Warner: But you do not get grants after you have the loans.

Hon. Mr. Sorbara: No. Let us have an examination of the system. You get the grant first and then the loan. Am I right, Bill Clarkson? I introduce Bill Clarkson, director of the student awards branch. You get grants and then you get loans.

18:30

The Vice-Chairman: Gentlemen, we are running out of time. I know the Conservative critic has a question he would like to put on this section; so if I may, I will interrupt and turn the floor over to him.

Mr. McFadden: Thank you. I have a couple of questions I want to raise very briefly.

One matter that concerns me is the adequacy of provision for additional living costs in major urban centres. There is quite a difference in renting units and one thing and another in downtown Toronto, if you are going to U of T, as compared to being in Guelph or perhaps at Brock.

I have been getting conflicting information on this. First, I wonder if any special provision is offered to cover unusual expenses that students face in different cities because of housing costs? Second, what can be done to deal with this problem further?

Hon. Mr. Sorbara: I have an answer for that, but let us get Bill Clarkson, director of the student awards branch, on the record on this one.

Mr. Clarkson: Right now, students can get \$150 in additional loan assistance per term. For most students, that would be \$300 over their 32-week study periods, if they can justify additional living expenses; and I agree that most students living in Toronto can easily justify that expense. I would also like to mention that regional costs as well as differing costs between universities and colleges is an item being considered in the review of the Ontario student assistance program.

Mr. McFadden: This issue concerns me. You could say that if you cannot afford to live in Toronto, you should not go to U of T. I suppose that is an attitude we could all take, but it seems to me that such a basic thing as housing should not be an impediment to going to the university of your choice or the one where the program you want is located.

I have been given two or three different figures, and I am glad to get it cleared up, but \$300 a year would not compensate for the cost of living in Toronto over the course of eight months;

that is for sure. I know from talking to students in different parts of Ontario that housing arrangements in the smaller towns are a lot easier to come by and a lot cheaper than if you are looking at the situation in downtown Ottawa or downtown Toronto.

Hon. Mr. Sorbara: With a number of exceptions; for example, in the Kitchener-Waterloo area, which is smaller-town Ontario than is Toronto, because there are two important institutions there, there is a great deal of pressure on student housing. There is not all that much private space, and those institutions have an increasing number of out-of-town students.

When we allocated the money for the new building at Wilfrid Laurier, one of the reasons we found it so attractive was that there was a student residence there that was being used for instructional space and offices. By building that new building, we were able at the same time to free up a building that was built as and should have been used as a residence. When the building is complete, it will be used as a residence.

Mr. Callahan: I want to add something to that. I have four boys; two of them have gone to university. I think part of the problem is that, instead of being content with living in a room, as I did a lot, they want to live in a whole house. I think it has to be recognized that perhaps we do not want to spoil them. I think we have.

Mr. McFadden: Did I hear a Liberal member talking about the crisis of rising expectations?

The Vice-Chairman: I heard a Liberal member talking about spoiled youth in our generation, but I thought the Conservative member said he had one more quick point he wanted to make. Will you make it quickly, please? We are out of time, and I want to bring down the gavel.

Mr. McFadden: I am hearing an undertaking from the ministry that it is being reviewed. The only other point was, what about the whole question of kids coming from farm families? This has been an issue, and it is a question of assets; what are we going to do about this? It is a continuing issue.

Hon. Mr. Sorbara: It is a question that is also under review. In our most recent revisions, we made a few adjustments there, but it is one of the issues that is going to be dealt with in conjunction with the review that is going on. I hope to deal with it, because I know the farming community

fairly well and I know assets can be valued at \$500,000 and cash flow can be nil or less. I think Mr. Miller would agree with me.

Vote 2804 agreed to.

The Vice-Chairman: Shall the estimates as a whole pass?

Mr. Warner: No.

Hon. Mr. Sorbara: Come on, Mr. Warner, it is late.

Mr. Warner: No. On a point of privilege: I do not intend to let them pass without mentioning that regardless of the exchange of views on many of the issues on which we do not agree, the staff have, as always, provided me and others in our caucus with absolutely first-rate service in terms of the information we want and in terms of serving us as members of the assembly and, in turn, the students of this province. We can all be very proud of the administrative staff in your ministry; they do a superb job, and we should be grateful for that.

Hon. Mr. Sorbara: Let me comment on that. That is a very gracious comment, and I thank you for that. I am very proud of the people within the ministry, including those who were there when I arrived and those who have come since I have arrived. We hope to get even better. Thank you very much. That is very gracious of you.

The Vice-Chairman: I thought the member would make this a reason for not voting on the estimates. It sounded like a very strange reason to me for a few moments.

I gather we have passed the estimates and our job is completed. I am sure the regular inhabitant of this chair would want me to thank the minister and his staff for appearing and answering questions so fully and comprehensively, the clerk for insisting that I sign all documents in his place—I shall do that in just one moment—the members of the committee and the critics, in particular, for their assiduous work in examining the estimates.

I add that I am unhappy that I was in the chair while we were discussing the Ontario student assistance plan in the student aid section, as I would have liked to have participated. But there is always another day.

This concludes the consideration of the estimates of the Ministry of Colleges and Universities.

The committee adjourned at 6:36 p.m.

CONTENTS

Thursday, October 23, 1986

University support program:	S-605
College support program:	S-610
Provincial support for colleges of applied arts and technology	S-610
Ontario Council of Regents	S-613
Student affairs program:	S-615
Adjournment	S-617

SPEAKERS IN THIS ISSUE

Allen, R., Vice-Chairman (Hamilton West NDP)
Callahan, R. V. (Brampton L)
Johnston, R. F., Chairman (Scarborough West NDP)
McFadden, D. J. (Eglinton PC)
Warner, D. W. (Scarborough-Ellesmere NDP)

Witnesses:

From the Ministry of Colleges and Universities:

Sorbara, Hon. G. S., Minister of Colleges and Universities and Minister of Skills Development
 (York North L)
Cummins, R. L., Director, University Relations Branch
Humber, A. J., Director, College Affairs Branch
Adlington, A. K., Deputy Minister
Clarkson, W. H., Director, Student Awards Branch

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Publications



No. S-26

Hansard

Official Report of Debates

Legislative Assembly of Ontario

Standing Committee on Social Development

Estimates, Ministry of Skills Development

Second Session, 33rd Parliament

Thursday, October 30, 1986

Speaker: Honourable H. A. Edighoffer
Clerk of the House: C. L. DesRosiers



Published by the Legislative Assembly of Ontario
Editor of Debates: Peter Brannan

CONTENTS

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON SOCIAL DEVELOPMENT

Thursday, October 30, 1986

The committee met at 3:16 p.m. in committee room 1.

ESTIMATES, MINISTRY OF SKILLS DEVELOPMENT

On vote 3401, skills development program; item 1, ministry administration:

Mr. Chairman: I call the committee to order, seeing a quorum. This is the estimates of the Ministry of Skills Development, vote 3401, and we start off with the minister.

Hon. Mr. Sorbara: Thank you. I wonder whether we might have a brief consideration of how we are going to proceed in terms of time. My understanding is that we are meeting today. Then is it Monday and Tuesday as well?

Mr. Chairman: That is right.

Hon. Mr. Sorbara: Theoretically, we have—

Mr. Chairman: Ten hours.

Hon. Mr. Sorbara: Ten hours. As some members of the committee know, I am obliged to go on a mission of discovery on Wednesday. I wonder how the committee wants to proceed and whether we want to restrict ourselves to the three days that are available. If that were the desire of the committee, although I do have a lengthy opening statement, I can certainly keep my replies down and try to deal with all the concerns in that time. I am at the disposal of the committee, and whatever the committee wishes is fine with me. I would just say that I am under an obligation to travel on the evening of November 5 and I will not be coming back, I do not think, until November 22.

Mr. Chairman: I misunderstood you on your journey of discovery. I thought maybe we had therapists' meetings on the same day. I always go on Wednesdays to my therapist.

What is the will of the committee, given the minister's need to travel?

Mr. Warner: I thought maybe it was an invitation.

Mr. Chairman: We could always go with the minister and have the rest of the hearings while we are there, public hearings in where was it? Bahrain?

Mr. Warner: I have checked my calendar. I am available.

Hon. Mr. Sorbara: It really says Bahrain. I do not even know whether it is Bahrain. Where is Bahrain, anyway?

Mr. Chairman: It is just east of Scarborough, as I understand it. I do not know much about it. Mr. Jackson, have you any comments about how you would like to proceed?

Mr. Jackson: I indicated to the minister that it is probably better not to make the decision in the opening round, but to wait to see how we progress during the course of the three days. I think it would be far wiser to make the decision later rather than now.

Mr. Warner: I mentioned earlier that I estimate I need about two hours out of the 10, and I intend to keep to that. If we get focused questions and focused answers, we can wrap this up expeditiously.

Mr. Chairman: If we have focused questions and focused answers, what will I do?

Mr. Warner: It will be so novel.

Mr. Chairman: We will proceed along, see how we do in the next few days and at that point make a decision.

Hon. Mr. Sorbara: Eight months ago I appeared before this committee to present the estimates of the Ministry of Skills Development for 1985-86, its first year of operation. It is my pleasure now to present the 1986-87 estimates and to report to you about the real progress of skills development in Ontario.

As the Treasurer (Mr. Nixon) announced in his budget last May, the government of Ontario has doubled its allocation for skills training and upgrading to \$100 million for the fiscal year 1986-87. The allocation for youth training and employment programs is being maintained at \$175 million, bringing our investment in the skills and employability of Ontarians under these two initiatives to some \$275 million.

This continues the government's new approach to skills development, an approach first embodied in Futures, which we launched in November 1985 and which I described to you in February: that is, to make our programs more relevant and more responsive to changing needs.

We are losing no time in turning our intentions into reality. For Ontario youth, a plethora of programs have been consolidated and well

established. For adult workers we have now begun to put into effect the comprehensive reforms of Ontario's Training Strategy, the details of which we announced on September 4, 1986. Apprenticeship, which remains the base of our approach to long-term training in Ontario, is now the subject of a joint review with the federal government.

In short, we have taken steps to ensure that all three basic elements of our training system—youth training and experience programs, short-term training support and apprenticeship training—are tuned to the changing needs of Ontario's economy. We know that the Ontario labour force has the potential to meet whatever challenges world competition and technological change may present. We at the Ministry of Skills Development are dedicated to encouraging and facilitating the development of that potential.

I might point out that not only are we refocusing the training support provided by this province, but we also have undertaken during the past year a major reorganization of this ministry to facilitate and expedite the implementation of our plans. Central to the reorganization was the appointment of Glenna Carr as assistant deputy minister, skills training division. She is in charge of short- and long-term employer-based and pre-employment training initiatives for adults.

Notre ministère a deux objectifs principaux. Le premier consiste à aider les travailleurs à titre individuel à acquérir les compétences nécessaires pour pouvoir trouver un emploi et le conserver. Le deuxième consiste à relever le niveau des compétences de notre société de façon que nos entreprises et nos industries puissent prospérer dans la nouvelle économie mondiale qui est en train de s'élaborer. C'est pourquoi le ministère est déterminé non seulement à permettre à un plus grand nombre de travailleurs ontariens de participer aux programmes de formation professionnelle, mais aussi à améliorer le niveau des compétences de ceux qui font déjà partie de la population active et à leur permettre de se recycler rapidement en fonction de la demande du marché.

Our youth training and experience programs are now well in place, and we are paying particular attention to adult workers, especially those traditionally underrepresented in training in the past.

One of our main priorities is to increase employer-sponsored training so that it becomes a normal part of the work place. Obviously, these changes will place great demands on our training system, and we will not be able to accomplish all

our goals overnight. Training in this province has been neglected for far too long. However, in the last year we have taken some major steps in building the base for a world-class training system here in Ontario, and I think this will become increasingly evident in the coming year.

A world-class training system cannot, however, be built by the provincial government alone. Therefore, we are doing all we can to encourage the private sector, both business and labour, to play a greater role in training. On-the-job training must become a byword for the new generation. We are also doing our utmost to ensure that federal government initiatives in Ontario in this field are in harmony with Ontario's priorities. We believe that together, under our leadership, the public and private sectors can put Ontario in the forefront of skills training not only in Canada but in the world.

Certainly we have the incentive. Never before has skills training been more important, and because the need for a highly trained labour force is rising just as the traditional supply of skilled workers is falling, our capacity to produce skilled workers is being severely tested.

The rapid pace of technological change is one reason, of course, for the rising demand for skilled people. New technologies and changing production processes are generating significant new demands in the level and type of skills required. This is particularly the case here in Ontario, which is the centre of Canada's manufacturing community. The automotive industry is an example. The recent automotive human resources task force identified the profound effect of new technologies on skill requirements. Workers and managers, the task force said, are being required to "master more skills than ever before, use these skills more frequently and adapt these skills more often."

Changing technologies demand new levels of analytical, interpersonal and technical skills, and these, in turn, call for strong performance in basic skills such as literacy and mathematics. Yet according to the task force, 29 per cent of automotive parts employers rate the literacy levels of hourly workers as inadequate, and 39 per cent felt that mathematical skills were lacking. The task force expects the 1984 training expenditure of \$75 million in the automotive industry to grow to \$200 million by 1990. In other words, training expenditures in that industry will almost triple in six years.

The automotive sector is, of course, only one that is being challenged by technological change. The same is true throughout the economy, not

just in manufacturing but also in primary and service industries. All must make increasing use of high technology in order to be competitive.

A second reason for the growing urgency of skills development is the growth of the service sector in our economy. The service sector in Ontario now accounts for 73 per cent of employment and 70 per cent of our gross domestic product. The Ontario Task Force on Employment and New Technology forecasts that 80 per cent of all the new jobs in Ontario during the next decade will be in the service sector.

The growth of this sector puts a premium on skills, knowledge and expertise. These are the products for sale. A recent Ontario government report on the service sector makes the point clearly:

"Since human capital is the most important input into a service economy, and since service sector activity tends to be highly knowledge intensive, it follows that producing a knowledgeable, well-educated work force is one of the most fundamental infrastructure requirements of an economy in which the service sector plays the largest role."

Une raison connexe, mais tout aussi impérieuse, pour laquelle nous devrions améliorer nos compétences, c'est qu'en améliorant notre productivité, nous pourrions faire face à l'intense concurrence internationale sur les marchés mondiaux, et même sur notre propre marché intérieur. Le seul moyen de faire face, à long terme, aux défis de la concurrence de l'étranger, c'est avec des produits supérieurs et une productivité supérieure.

La performance médiocre du Canada sur le plan de la productivité a été prouvée maintes fois. Depuis des années, notre pays est à la traîne de ses principaux concurrents. Entre 1975 et 1984, nous avons été dépassés par les États-Unis, l'Italie, le Royaume-Uni, la France, l'Allemagne de l'Ouest et le Japon; et au cours de cette période, la productivité de l'Ontario était même inférieure à celle de l'ensemble du Canada.

15:30

Since 76 per cent of Canadian exports and 90 per cent of Ontario exports go to the United States, our productivity record against other major competitors for that massive market must be of serious concern. In 1984 our output per hour in Canada improved by four per cent over the previous year. All our major competitors did better: Japan, France, West Germany, Italy, the United Kingdom and Sweden. For example, Japan's improvement was some 9.5 per cent.

Education and training play a large part in our productivity improvement, and thus economic growth. It has been difficult to quantify an educated labour force's true contribution to growth. However, a few people have tried, notably in the United States. They have concluded that two thirds to three quarters of wealth creation is attributable to growth in the size and calibre of the labour force.

While technological change, the growth of the service sector and the need to improve our productivity performance create a growing need for skilled workers, the traditional supply, as I have pointed out, is decreasing. Demographic trends indicate that in future, to obtain trained workers, we will not be able to rely as much as we have in the past on the flow of recently educated young people and immigrants into the labour force. An estimated 90 per cent of those who will be in the labour force in 1990 are already here. We must look to adult workers to upgrade their training or to retrain if we are to continue to enhance the quality of the labour force.

The share of new entrants into the labour force will decline dramatically in the future. In Ontario, for example, the number of new entrants will decline by 25 per cent over the next 10 years. Adult training and retraining is becoming a social and economic imperative.

However, what is the state of training in Ontario? The Ontario Manpower Commission conducted a study in 1984 on the extent and nature of training in industry in this province. The study devotes particular attention to formal employer-sponsored programs designed for the training and development of skills in specific occupations. More than 4,200 employers, representing all sizes of firms and all industry groups in the province, took part in the survey. The results were published in April of this year, and a copy of the publication is being distributed to this committee.

You will notice that approximately 27 per cent of all Ontario establishments sponsor formal training programs. That is to say, approximately 73 per cent do not. The incidence of formal training also increases with the size of the establishment.

In 1984 about 13 per cent of all full-time permanent employees took part in general skills training programs and about 11 per cent in qualifying or upgrading programs. However, for the vast majority of those, training was very brief. Only 2.7 per cent of all employees received

formal qualifying or upgrading training that lasted two weeks or more.

This unacceptable situation has, until now, not been addressed by strong government leadership. Last year Ontario spent less than \$50 million on skills training programs. Federal government spending on industrial training in Ontario has been reduced by almost half in the past four years, from \$63.4 million in 1982-83 to \$34.6 million in the past fiscal year.

It is clear that the amount of training, employer-based or otherwise, has been inadequate in Ontario. Further evidence that the old approach to training did not and does not work is that the current participants in training programs are not representative of either Ontario's business community or the population as a whole, nor are they the clients who need the help the most. For example, the incidence of training in small firms is at least four times lower than that in large firms. In 1984, Ontario's training in business and industry program, known as TIBI, attracted only two per cent of firms with fewer than 20 employees, 6.5 per cent of firms with between 20 and 49 employees and 12.8 per cent of those with 50 to 149 employees. By contrast, 19 per cent of firms with between 200 and 499 employees took part in TIBI and 43 per cent of those with 500 or more employees used the TIBI program to train employees.

A further example: Women are seriously underrepresented in training programs. In 1983-84, only one quarter of the trainees in federally sponsored programs were women. In 1984-85, TIBI had only 32.5 per cent female participation and surveys indicate that men are twice as likely as women to take a job-related course in continuing education.

One of the reasons for low participation in government training programs is that awareness of these programs is extremely low. The Ontario Manpower Commission survey reported that the vast majority of training establishments were not aware of the major training assistance programs of the Ontario and federal governments. The Ontario program, TIBI, the most familiar, was unknown to 88 per cent of them and a former federal program, critical trade skills training, was unknown to 93 per cent of those participating in the survey.

Another reason why business firms do not offer training is that they lack the knowhow. This is especially true of small businesses. One third of small establishments in the 1984 Ontario Manpower Commission survey said they did not

provide qualifying or upgrading programs in the previous five years mainly for that reason.

I do not think I need to build the case any further. It is clear that the training system in Ontario, as it was, could not meet our needs.

Our needs are obvious: Ontario needs a training system that is adaptable and can respond quickly to market changes and requirements. We need a training system that provides more on-the-job training. Employers must therefore establish more training programs. We need to encourage greater participation in training by small- and medium-sized businesses, which as you know, employ a majority of the work force. We need a system that is broadly based in our communities, so that training reflects local needs and local choices. We need to ensure better participation to underrepresented groups such as older workers and women returning to the labour force, and to certain regions such as the north and east. We need to remove the barriers, financial or otherwise, that prevent many people from taking part in training programs.

Through Ontario's Training Strategy, which I announced on September 4, our government is determined to fulfill these needs and to build in Ontario a training system that is second to none.

As I have said, we will not do so alone. We will build a working partnership with labour and business to create high-quality products and services for training. We will use the strengths of Ontario's learning institutions and our apprenticeship and youth training traditions. Our training system will take into account the distinct roles of the federal and provincial governments.

As signalled in the May budget, this government is determined to fulfil all these needs and to build in Ontario a training system that is second to none. In the meantime, let me report to you the operations and results of our existing programs.

Ontario's Training Strategy will increase the participation of business and workers in ongoing, work-related training and will help make training and retraining a regular experience in the work place. Over the next five years, under Ontario's Training Strategy, more than a million workers should benefit and each year 10,000 firms will participate.

Let me say a few words about the training consulting service. It is the foundation of the new training strategy. It is designed to help Ontario's businesses, particularly small- and medium-sized firms, to identify their training needs and develop and implement training plans. The service is and will be available through Ontario skills development offices now being set up

across the province. We already have 22 full-service offices in operation, one at each of our community colleges and we expect that some of these will open satellite offices in the future. The service is accessible through a toll-free bilingual hotline that has been in operation since early September. In the first month and a half of operations, the hotline received roughly 2,400 calls; 1,788 from employers and 531 from members of the general public.

15:40

Our new consulting service differs considerably from the limited consulting service available under the training in business and industry program, in that it addresses fundamental barriers to training, particularly those that prevented smaller firms from establishing training programs. In addition, this new service is supported with \$15 million annually, more than double the commitment to administrative activities under TIBI.

Consultants in the new Ontario skills development offices will serve 10,000 firms a year, a dramatic increase over the 4,000 a year that took part under TIBI. Equally significant, most of the firms served will be those that have offered limited or no training in the past, and most will be small businesses; that is, those employing fewer than 200 employees.

Let me say a little about the community industrial training committees. I have also looked to our intensive network of community industrial training committees, CITCs as we call them, to provide advice to the ministry and the skills development offices for local and regional skills needs. These employer-based advisory groups have an important role to play in identifying local training needs and making referrals to training sources in the community.

To encourage firms to take part in training, our new program, Ontario Skills, provides \$34 million to support employer-sponsored skills training activity. At least half that amount will be allocated to small businesses having fewer than 200 employees since these firms are the least likely to be able to afford training programs and have received little support in the past. The subsidies are to help with direct instructional costs of training or upgrading.

Funding for Ontario Skills is double the previous commitment to employers' subsidies under TIBI and smaller firms now are eligible for higher rates of subsidy than they were under TIBI. It is expected that the number of workers benefiting from Ontario Skills will double to 180,000 annually.

The program is accessed through the training hotline and the training consulting service. Ontario Skills funding is available through the Ontario skills development offices and employers will be eligible for funding on the basis of their training plans. We expect that employers whose plans now have been approved will begin receiving funds after November 1.

A word now about trades updating: Our strategy also includes an important new assistance program for journeymen. A trades updating program will help individual skilled tradespeople by providing short-term training designed to keep their skills up to date through their working lives. The program is available across the province and is offered primarily through Ontario's colleges of applied arts and technology. Access will be provided through the ministry's apprenticeship branch and appropriate trade unions.

The first courses, which begin January 5, are in advanced automotive electronics and electronic controls for the construction trades. In choosing these courses, we are responding to the recommendations of the community industrial training committees and provincial advisory committees made up of labour and business representatives.

Funding for this incentive program for the current fiscal year is \$4 million.

A cornerstone of our training strategy is access to training programs that have been designed to ensure fair access to training for individuals as well as for firms. The ministry will spend some \$32 million to remove or reduce barriers to training or upgrading.

As a start, we are setting up, for the first time, support allowances for child care, transportation and accommodation to assist those taking part in the ministry's training programs where such costs would prevent participation in training.

There will be information programs to raise awareness of training opportunities. The training hotline provides access to training services for employers. A special project fund is available for projects that provide creative approaches to training and address special access needs. In addition, help centres at the community level will continue to provide counselling and job search support to older workers who are unemployed. There are some 17 Ontario help centres now in operation.

The greater barrier to training, however, is illiteracy. We have made a major commitment to overcome this barrier through a new program called Ontario Basic Skills.

In Ontario, it is estimated that there are some 800,000 people from 15 to 64 years of age who, based on their formal education, can be considered functionally illiterate to some degree. About one third of these are not in the work force, and for the more than half million functionally illiterate people who are, their illiteracy presents a true handicap both to their own development and to that of their employers.

As I mentioned earlier, auto parts firms are among those who cite low literacy levels as a significant problem. Skills in reading, writing and basic statistics are indispensable to progress and participation in today's high-technology information economy.

Le Programme de formation de base de l'Ontario est conçu pour aider les travailleurs à améliorer ou à acquérir les aptitudes professionnelles de base et les connaissances en langue et en calcul dont ils ont besoin pour trouver un emploi ou pour suivre une formation plus poussée. Il incorpore certains des aspects les plus réussis du Programme de formation technique des adultes, qu'il remplace, mais il en diffère en ce sens qu'il se concentre spécifiquement sur les problèmes de lecture et de calcul et qu'il offre des services de façon uniforme dans toute la province. On a remanié les cours en les axant davantage sur les compétences requises pour l'emploi concerné. Le programme bénéficie aussi de l'appui d'autres initiatives de la Stratégie de formation professionnelle de l'Ontario, comme les allocations de soutien pour les frais de transport, de garde d'enfants et les frais connexes.

Le financement du programme s'élève à \$25 millions par an, soit \$10 millions de plus que le montant consacré à ces activités en vertu du Programme de formation technique des adultes. Sur ce total, \$20 millions seront offerts aux collèges communautaires pour des programmes préparatoires et l'enseignement de compétences de base.

Le Programme de formation de base de l'Ontario sera offert par l'entremise des collèges cet automne. Certains cours commenceront le premier novembre, d'autres le premier décembre. Une fois qu'il fonctionnera pleinement, le Programme de formation de base de l'Ontario dispensera des connaissances élémentaires en langue et en calcul à plus de 20,000 personnes par an.

A further \$5 million will be allocated to community groups, unions and employer associations committed to training. In carrying out this program, the Ministry of Skills Development will work closely with other ministries, particu-

larly the Ministry of Citizenship and Culture which has lead responsibility for Ontario government support of community literacy groups.

The Institute for Skills Training: It is not enough to encourage business and workers to take part in training. The quality of our work force also depends on the quality of courses and trainers. In Ontario, there is a shortage of professional trainers in small business and a shortage of relevant training materials generally. To address these shortcomings, we are establishing the Institute for Skills Training.

This new institute will work in partnership with business, labour and educators to produce high-quality training products, methods and services. It will maintain a skills bank that will provide training materials for selected sectors as well as information on training programs and courses for employers. It will support the development of leading-edge technology with a skill-technology fund. It will improve professional development courses for both training instructors and consultants and it will incorporate the labour market analysis, research and advisory functions of the Ontario Manpower Commission.

15:50

A steering committee will advise the ministry on the development of the institute with regard to structure, staffing and service objectives. J. Dean Muncaster of Toronto, chairman and director of Saynor Varah Inc., has been named chairman of the steering committee and its 14 members are prominent in business, labour and training in Ontario.

New funding for this institute is \$6 million annually.

Apprenticeship training: I want to emphasize that while Ontario's Training Strategy represents an unprecedented commitment to developing our human resources, it does not stand alone. Rather, it is one of the three foundations upon which Ontario seeks to build a highly skilled work force that is second to none. Ontario's Training Strategy complements the programs we have for young people that I will review shortly and it complements our apprenticeship system that has been, and will remain, the primary source of long-term, on-the-job skills training in the province.

If Ontario is to be a successful competitor in the modern world economy, it is imperative that we maintain a strong, effective, apprenticeship system. Both workers and employers depend on it. Tens of thousands of Ontario tradespeople have developed their skills within our apprentice-

ship system. Our industries for many years have been enriched by it.

Participation in apprenticeship training, both by workers and employers, has grown steadily over the past 10 years and now is at its highest level ever. In 1975, there were approximately 24,500 apprentices and 100 employer-established training programs. Today, there are 38,000 apprentices in Ontario who are learning new skills on the job within this system. They are in 66 regulated trades and more than 568 employer-established training programs.

As you may know, apprenticeship training, which is on average 90 per cent on-the-job training and 10 per cent classroom instruction, is a provincially administered system supported by the federal government. The federal government currently provides \$52 million a year, approximately \$30 million annually to support classroom instruction and about \$22 million to provide income support to apprentices during the in-school portion of their training through unemployment insurance. Registration, accreditation, administration and regulation are provided by Ontario through my ministry.

Federal guarantees of funding for apprenticeship training expire on April 1, 1988. In the new Canada-Ontario agreement on training signed this past March, we agreed to review our apprenticeship program with the federal government. A primary objective of the review is to help assess the role of future federal funding for the program.

The bilateral study will review federal financial support, plus our concerns about the lack of participation by women, the costs to employers, apprentices and the province, and the problems in income support stemming from late payment of unemployment insurance benefits.

The policy and development division of the Ministry of Skills Development is representing Ontario in the bilateral review that now is under way and will be completed by the end of the current fiscal year.

Ontario's position is that continuing federal support for apprenticeship training is critical. Apprenticeship training, together with our new trades updating program, which is designed to help skilled tradespeople keep their skills up to date as technologies change, will play a central role in keeping Ontario's industries competitive.

I will now say a few words about youth employment services. Apprenticeship training and Ontario's training strategy are two of the basic building blocks in developing a highly trained work force. The third is our youth

employment services. We are addressing youth and their training and employment problems in many ways and youth employment statistics show that our programs are having a beneficial effect.

Unemployment among Ontario's young people has fallen from 17.8 per cent in 1983 to 13.2 per cent in 1985, a decline of 4.6 percentage points. This is a substantial reduction and it continued to decline to 11.9 per cent last month. While an improvement, this level is still too high and further improvements are a major priority for my ministry.

There has been a dramatic decline in the number of young people unemployed for 14 weeks or more. In 1983, an average of 69,000 youth were out of work for 14 weeks or more. By 1985, this number had dropped to 35,000, a decline of 49 per cent. We are working to reduce that even further. We believe provincial programs have contributed in part to this improvement but such success would not have been possible without support and growth in the business community.

Young people not only need training; often they also need work experience before they can get a job. Of course, they cannot get experience without a job. For those trapped in that situation, our Futures program provides employment and, thus, the work experience that helps them make the transition from school or post-secondary institutions to the permanent work force.

Our Futures program will soon mark its first anniversary—it started on November 4, 1985—and it has all the earmarks of a runaway success. As you know, the Futures program consolidated and replaced six other programs. It was designed to prepare disadvantaged young people to find and keep a permanent job. The program provides wage subsidies to employers to give young people, aged 15 to 24, work experience and on-the-job training for up to four months and in some cases up to a year.

The program offers a wide range of services, including initial needs assessment, life skills and employment preparation as needed, employment counselling, work experience, on-the-job training, monitoring and follow-up. The response to the Futures program has been heartening. This year it will provide on-the-job training and related services to some 50,000 young people.

One of the program's most worthwhile features, in my view, is that it encourages high school dropouts to further their education. It does so by offering those who have not completed high school the guarantee of a full year's

meaningful work provided they undertake to upgrade their education. Young people are turning increasingly to that option in return for educational upgrading. Since November 4, 1985, 4,500 young people have chosen to take part in this component of the program.

J'ai visité de nombreux centres de consultation pour l'embauche des jeunes et de nombreux collèges d'arts appliqués et de technologie qui administrent le programme l'Avenir. J'ai rencontré un grand nombre de jeunes et de conseillers qui y participent et je vous assure que c'était une expérience des plus encourageantes. Je crois que le programme illustre très clairement que les jeunes ont le désir d'apprendre, mais que, souvent, ils sont défavorisés pour des raisons indépendantes de leur volonté. Ils ont besoin d'aide pour surmonter les obstacles qui se dressent devant eux. Lorsque la société leur offre cette aide, les jeunes répondent de façon positive et, en fin de compte, tout le monde en bénéficie. Le programme l'Avenir est vraiment un gage de notre confiance dans les jeunes de l'Ontario, et les jeunes nous démontrent que cette confiance est bien méritée.

I note my colleague, David Warner, the Skills Development critic for the New Democratic Party, is impressed. He pointed out to a newspaper in Thunder Bay that the Futures program had saved at least one person from going to jail. As the newspaper related: "The judge saw that he"—the young person, not David Warner—"had a fresh start. He had a job and was attending school. Rather than jeopardize it, the judge let him off easier." This is a striking example, but there are many equally moving, though less dramatic, instances of young people for whom the Futures program is offering a fresh start.

The program has certainly aroused the interest of our young people. The youth hotline, which provides a single point of contact for all provincial youth employment programs and services, had 63,000 calls in fiscal 1985-86. Much of this interest was prompted by Futures.

Futures has recently been expanded to include native youth on Indian reserves in northern Ontario. During fiscal 1986-87, we expect to increase the number of points of delivery from 106 to 131 centres.

16:00

The ministry's other youth employment services for summer employment, the Ontario youth employment program, Experience '86 and Start-Up, are also of significance to our young people in their pursuit of the experience and training that will lead them to permanent careers.

The Ontario youth employment program provides wage subsidies to private sector employers who hire young people for newly created summer jobs. In 1985, 21,300 employers took part, employing 44,500 young people. This year the deadline for claims is January 31, 1987. It will be February before we have our final figure, but we fully expect to exceed our goal of 53,000 jobs.

Because youth unemployment in northern Ontario is so much higher than in the south—about 20 per cent compared with 12 per cent, according to Statistics Canada—we allocated \$1.2 million to create up to 2,000 additional jobs for young people in the north. In addition, a temporary office was set up in Thunder Bay, along with a special northern toll-free telephone number.

The summer experience program provides summer jobs for students aged 15 to 24 within Ontario government ministries and associated agencies and organizations. This year the 130 Experience '86 projects created 7,000 jobs from a budget of \$13 million.

Under Start-Up, we have two programs for young people wanting to gain experience in the world of small business. Student venture capital is for those still studying and is therefore for businesses operating over the summer months. Youth venture capital is for those out of school. Both are cosponsored by the Royal Bank of Canada and the Ontario Chamber of Commerce.

Student venture capital has experienced tremendous growth over the past few years. In 1974, the program helped 50 students start businesses. This year 1,015 students took part in 862 businesses. The program provided interest-free loans up to \$2,000 per venture. This summer I had the pleasure of meeting with and presenting to the Legislature 14 young people involved in 10 summer firms who were outstanding success stories in 1985.

The youth venture capital program, which is for young people up to the age of 29 who are out of school, provides interest-free loans of up to \$5,000. Initial response to this program was overwhelming. Since November 1984, 1,835 businesses have been approved and 2,018 young people have received funding to start new businesses. Yearly gross sales for all these businesses should exceed \$40 million this year.

The Ministry of Skills Development took a further step this year to promote entrepreneurship among young people. Our ministry is contributing \$30,000 to a one-year pilot project being carried out by the Northwest Enterprise Centre at

Confederation College in Thunder Bay to provide young people with the knowledge and skills necessary to start their own businesses.

This year, along the same line, the ministry, in partnership with the Ministry of Northern Development and Mines, tested a pilot project called youth jobs co-operative. Designed for high school students aged 13 to 18, these co-operatives are small summer businesses owned and operated by the students themselves under the sponsorship of a local youth trust and chamber of commerce. This summer 83 enthusiastic young people from five communities participated, gaining valuable business and leadership skills.

These ministry programs are complemented by the summer jobs campaign in which the private sector assumes a leadership role in stimulating the creation of summer jobs for young people. Local campaigns were initiated this past summer, in North Bay, Sudbury, Sault Ste. Marie, the national capital region, Metropolitan Toronto and York region. While all levels of government support these initiatives, they have contributed only slightly more than a quarter of the total cost. Here is a case of the public and private sectors again working together, but with private sector leadership, to the advantage of all Ontario.

There are a number of reasons for the success of all these youth employment initiatives. One is that they are addressed to specific needs. Another is that in most instances they are co-operative efforts by the public and the private sectors. Student venture capital and youth venture capital, for example, could not exist without the work of the Royal Bank and the Ontario Chamber of Commerce. Another reason for their success is that they are community-based programs. Futures, for example, owes its existence to the dedicated work of the counsellors at our youth employment counselling centres and the community colleges of applied arts and technology.

The youth employment counselling centres, or YECCs as we call them—what a terrible acronym—are community-based organizations supported by the Ministry of Skills Development. We match the funds raised from community sources by the local sponsoring agencies for their operating budgets.

The centres have a mandate to reduce unemployment among socially, economically and educationally disadvantaged young people between the ages of 15 and 24. As part of their mandate, they deliver Futures, which I have already discussed. Their employment counsel-

ling expertise has played a significant part in that program's success.

In addition, the centres provide nonsubsidized placement into jobs or educational programs and follow up on these placements. I have visited many of these centres and am very impressed by their work with community educators, employers and social service organizations helping disadvantaged young people in their respective communities. The excellent record of these centres for the 1985-86 fiscal year shows their dedication. Approximately 72 per cent of the clients have either found or have been placed in a job, returned to school or a training program, or were referred to another agency for further assistance.

A supplementary program for small and remote communities began in March 1984. Nine centres have been established and 19 others will be set up in response to community needs in 1986-87 at a cost to the ministry of \$1.25 million.

Our new approach to skills development and training aims to respond more directly to special needs, not only of groups but also of regions. In northern Ontario, where the unemployment rate this year is 11.3 per cent compared to 6.8 per cent in southern Ontario, special efforts are in order.

For example, while northern Ontario accounts for only 9.2 per cent of the total provincial population, in 1985-86 the ministry spent approximately \$50.6 million or about 22 per cent of its budget there. In some programs, we spent a substantial portion of our budget in the north. In summer Experience '86, for example, 26 per cent of the 1985-86 budget was allocated to projects in northern Ontario. Northern community industrial training committees received 28 per cent of our ministry's total operating grants. However, we believe this is fully justified since needs are demonstrably greater in that region.

Of the \$50.6 million in northern expenditures, \$26.9 million will be spent on youth programs, \$6 million on skills programs and \$17.7 million on adult and apprenticeship training. The special support allowances for transportation that are provided under Ontario's Training Strategy will be of particular benefit in northern Ontario.

De plus, mon ministère participe, sous la direction du ministère du Développement du Nord et des Mines, à l'administration du Projet fédéral-provincial d'adaptation communautaire de Sudbury. Cette initiative, qui aura un budget de \$5 millions et portera sur une période de trois ans, créera et mettra en oeuvre des méthodes novatrices pour l'adaptation économique et celle du marché du travail dans le bassin de Sudbury.

Le ministère de la Formation professionnelle s'assurera que les activités de formation professionnelle financées par le Projet de formation de la communauté de Sudbury sont adéquates et qu'elles correspondent aux besoins futurs.

I have a final note now on federal-provincial relations.

I have reviewed the major programs of the Ministry of Skills Development currently in place to build a training system that will enable Ontario to compete and prosper in the years ahead. However, given the extent of our training needs, the Ontario government must work closely with all our major partners in skills development, that is, business, labour, community groups and, not least, the government of Canada.

16:10

Ontario looks to the federal government to continue to shoulder its historic social responsibilities for income support for the unemployed, for job creation and for labour market adjustment. In fact, as we developed Ontario's training strategy, we took great pains to ensure that we would not encroach upon areas of federal responsibility.

I must point out, however, that because the federal government is such a major player in training in Ontario, it is important not only that it fulfil its historic responsibilities but also that federal activities in the training field be in tune with our priorities. In many areas this happens. In others, however, we tend to have our differences and often must question both the underlying directions and activities of our federal counterparts. For example, the federal government's Canadian Jobs Strategy presents potential opportunities but also a host of difficulties to our training initiatives in Ontario.

One of the main objectives of Canadian Jobs Strategy is to increase the participation of the private sector in training. This is admirable, but it is not a requirement of meeting this objective that the federal government promote the establishment of a duplicate training system which would undermine Ontario's proven training system involving our public system of 22 colleges of applied arts and technology, five colleges of agricultural technology and private vocational schools, although that sometimes appears to be the intent.

Another stated objective of the CJS is to increase the level of training in this country. The previous federal minister responsible has signed an agreement with me making that commitment in Ontario. However, we have seen federal

commitments to the Canadian Jobs Strategy drop from \$2.1 billion in 1985-86 to \$1.9 billion this fiscal year. They apparently intend a further reduction to \$1.7 billion next year.

We are puzzled by the federal funding cutbacks for the CJS and by the general lack of federal direction on the CJS. We are also increasingly concerned by the way in which the government of Canada is implementing the Canada-Ontario agreement on training. Ontario does not endorse the Canadian Jobs Strategy. It provides inadequate resources, does not take maximum advantage of an established training network and has been confused in its implementation.

None the less, on March 10, 1986, Ontario signed with Canada a new three-year agreement on training which will co-ordinate and implement training supported by the Canadian Jobs Strategy in Ontario. After long, hard and difficult negotiations, we were able to obtain for Ontario not just an agreement that would ensure continuity of federal funding but rather one that should significantly improve our capacity to provide quality of training in this province.

In the agreement, we secured an explicit and measurable federal commitment to increase the real level of training funds accessible to our community colleges relative to the 1985-86 level. The agreement also made it possible for the colleges to receive more funding indirectly since it includes specific provisions designed to ensure that the colleges receive a fair chance to bid on training contracts arranged by organizations receiving federal funds.

We have learned, however, that about half of the indirect purchases of training that Canada has made outside the college system costs more than the same training available at Ontario's colleges. This does not meet commitments made by the federal government in its agreement with Ontario, nor does it seem to be an efficient way for the government of Canada to spend the taxpayers' dollar. These irregularities are followed by other disturbing events involving the Canadian Jobs Strategy in general. For example:

First, Canada failed to spend one quarter of its 1985-86 CJS budget allocated to Ontario—\$518 million allocated versus \$388 million spent.

Second, Canada has cut 20 per cent from Ontario's 1986-87 allocation from the Canadian Jobs Strategy—\$416.9 million in 1986-87 versus \$518.1 million in 1985-86.

Third, significantly less than the full \$1.9 billion national allocation to the Canadian Jobs Strategy has been made and the fiscal year is

more than half over; \$400 million remains to be allocated.

Fourth, not only has Canada systematically reduced its funding for training and job creation under the Canadian Jobs Strategy, but it also intends a further cut to \$1.7 billion in the allocation for 1987-88.

The Ontario government is increasing spending on training by \$50 million this year, but we do not intend this as an offset to cuts in federal spending.

I would like to emphasize that the Canada-Ontario agreement on training provides for an element of stability in funding both in terms of total allocations and in funding for our colleges. Our concerns are caused by a lack of clear federal direction on the Canadian Jobs Strategy and the changes that have been introduced in the federal approach to training. The net result is that important elements of our training system are in jeopardy.

This is unfortunate because the matter of training is urgent and we have a long way to go before we have a training system that is world-class and first-class. This government will be satisfied with nothing less and this ministry is devoted exclusively to that goal. I look forward to meeting with my federal counterpart in the near future to discuss these and other matters of mutual concern.

Happily, the importance and urgency of training is beginning to be widely appreciated by business, labour and the community at large. We have seen today some examples of the good that can be accomplished when the public and private sectors work closely together. We want to see more of this and no doubt will with the full implementation of Ontario's Training Strategy. We want our efforts to build a new training system to be characterized by commitment and co-operation. Only then can success in training be guaranteed and only then can Ontario's economic future be assured.

I apologize that I took longer than I originally anticipated.

The Acting Chairman (Mr. Grande): Thank you, minister. We now will have a statement from the critic for the Conservative Party.

Mr. Jackson: Before the estimates started today, I overheard Mr. Wolfson advise the minister that he had his permission to talk right through the entire estimates. For a moment, I thought perhaps the minister was going to take that direction to heart, but we will have some time for questions today. For that reason, I will try to be brief because the purpose of these

estimates is to gain an understanding of how this ministry is operating and to ensure that it is doing so at its peak efficiency. This process is best served by direct discussions with the minister and the very capable staff he has assembled here today.

This is a new ministry and one that came into existence with a great deal of promise and opportunity.

Hon. Mr. Sorbara: I should just say that I get most of my good ideas from Mr. Wolfson, so it may be a reasonable idea. I am sorry, Mr. Jackson.

Mr. Jackson: You are still talking.

Our purpose here for the next 10 hours, and I hope we will get the full 10 hours, is to see whether that promise for this ministry is being fulfilled or is at least on the right path to being fulfilled, with the assistance of two critics who have attempted to assist in monitoring the ministry. Any dialogue that might be generated will be helpful.

Basic to any ministry is the commitment expressed at the top. We have heard that from the minister. I remind him that it has been 16 months since he took over the ministry and that Bill 9 still remains in legislative limbo although he promised in the previous estimates that he would put it on an early agenda. This causes some limited concern about his and the government's sense of commitment to this ministry. With my private sector background, I would find it difficult to have a meaningful mission statement without a legislative mandate.

Administratively, I would like to know how the minister and the ministry, which has had 16 months to develop, is actually coming along. In a recent Topical Job Mart, I noticed with great interest that there were advertisements for a number of new positions for what appeared, to my mind at least, to be new divisions.

Has there been some trouble with the way things have been developing within the ministry? Does the minister need more support? Has he been operating below his allocation and what has that done to his staff complement, and if not, is he planning to increase his staff during the coming six-month period and at what expense to what areas of his budget?

16:20

An organization, whether it is business or government, is only as good as its people. Given that your ministry is relatively new, I hope we will devote a certain amount of the time of these estimates to discussing the hiring guidelines it is following, both at the ministry offices here in

Toronto and in the field, to determine whether the best people and the most appropriately skilled people for the jobs are being employed in the capacity of counsellors or information officers.

I will give this ministry credit for being busy since November. When it was announced on June 11, 1985, by the member for Brantford (Mr. Gillies), who was then the minister, he advised there would be a number of mandates. The new minister has had 16 months to fulfill some of the items Mr. Gillies said were among his priorities.

First on the list was a rationalization of the various youth employment programs that we have heard referred to affectionately as youth stew. In response to that priority item, the minister gave us Futures last November. It was a new program. He said at the time that it was his unique program, and he was referring to it as such as late as this past July. That uniqueness lasted for only about another month until it was challenged by the federal government in a Department of National Revenue ruling. At that point, his officials began to campaign that it was really no different from previous youth employment programs. I am not an apologist for the federal government. I felt the decision was appalling. However, minister, I am not sure your phrase "absolute insanity" was the right way to describe it.

The issue of the Futures fiasco of the summer should be raised briefly. We hope that it has drawn the minister's attention to the absolute need to design programs properly. Whether he continues to borrow other people's ideas is irrelevant. If we are to prevent a recurrence of intergovernmental friction and name calling that does no one any good, especially the program participants, we must ensure that programs are properly designed and checked before they are publicly proposed.

Credibility is vital to this ministry. Close is not and cannot be good enough in this important area. These are people's lives, not horseshoes. People must be able to have faith that a program they begin participating in will be monitored and developed properly. Overall, Futures has been a reasonable program. There are problems associated with the delivery system. If the minister is willing to listen during these estimates, he may find that they are not insoluble. Major revisions may be required in some cases.

When the member for Brantford began the Ministry of Skills Development, he spoke of providing continuity and permanence to our programs. He also spoke of co-ordinating delivery and stable-funding mechanisms. He was

speaking of youth and of laid-off older workers. He was also speaking of an alternative to the traditional college and university route to the work force. During these estimates, we hope to get a clearer statement from the new minister on this continuity of community-based employment programs. Community orientation is vital for anyone who is employed.

As he knows, unemployment does not end at 24 the way his programs do. There is ample money for youth programs. There must be; the minister did not see any need to add any additional funding this year. Yet the older workers' help centres are getting little, if any, help at all in that area. These community-based centres to give counsel and find jobs for unemployed older workers are literally starving, not only for money but also for the minister's attention. When centres in Windsor and St. Catharines and elsewhere are seeing up to 8,000 unemployed older workers a year, there seems to be a need for the minister to get more involved.

There are people going to help centres who have been through their Futures placement and need help again. Those cases are documented. I suggest that they have proven their worth and have justified their existence. In a year when the ministry is said to have doubled its money allotted to skills training, it is difficult to understand the lack of interest and financial help being offered these specialty centres. During these estimates, I hope the minister will come to realize the difficulties the centres face in the current arrangement, will provide a firm long-term commitment to their existence through non-discriminatory funding arrangements and will help the older unemployed workers in general.

Recently, we have seen the announcement of Ontario's Training Strategy. It could be a very good strategy for Ontario. As the member for Brantford said about his new ministry, not only do we have to make access to training easier but we also have to reach a point in our society where people actually plan for training, for the upgrading of their skills and for retraining as a normal part of life. He said he wanted to work with the unions, the private sector and the colleges in helping to make Ontario's approach to training among the most advanced in the world.

In announcing Ontario's Training Strategy, the minister has said he will provide leadership in on-the-job training, will forge a practical and working partnership between public institutions and the private sector and will nurture the development of a training culture in Ontario. After 16 months, I would have hoped that the

minister would have had more to offer than a re-write of the speech of the previous minister. The strategy outlines large dollar expenditures this fiscal year. There is no question about that. It suggests the numbers of people in some programs who will be helped this year alone.

During these estimates, I hope we will hear some time lines and expenditure guidelines for this year. The fiscal year is more than half over now. The minister's staff has had 16 months of planning under this new administration. At this point, we will have to take the minister on faith that the programs, when introduced, will fare better than Futures when others look at them, and we will have to take the minister on faith that they will deliver on his claims for their success.

I am reminded, however, that the new Premier (Mr. Peterson), when announcing his legislative plans last July, said, "Blind faith is no basis on which to give taxpayers' money away." The Premier was referring to aid for businesses at the time, suggesting that no aid should be given without a guarantee of jobs. One can easily step back and look at Futures and ask why employers are not forced to give a guarantee for the period after the free employment is up, but we can be thankful that, in this instance at least, the minister is putting the short-term employment interests of young people ahead of his Premier's wishes.

Generally speaking, the minister has followed through on two of the original intentions of this ministry. Having been there for 16 months, perhaps the minister will be able to give us some idea of his plans for other initiatives that have been identified or that he would like to see happen.

For instance, the plan was to bring all training and skills programming under the wing of the new Ministry of Skills Development. The public service internship program to develop civil service skills among recent college and university graduates could fall under this mandate. The minister is quite aware of that program; I raised it with him in the House last summer. Perhaps it could be brought under the umbrella of his ministry.

Will the minister consider other programs in other ministries? One could go so far as to suggest the vocational rehabilitation services of the Ministry of Community and Social Services. Has the minister discussed this with his cabinet colleagues? Has he discussed a broad framework of a skills development portfolio rather than small portioning with other ministries?

We also have the recent case of dividing literacy money with his colleague the Minister of Citizenship and Culture (Ms. Munro). Looking back at the original announcement, there was a sense that co-operative education would get funding from the Ministry of Skills Development. Now it seems this has been taken back by the Ministry of Education. Why has the linkage program with our secondary schools all but disappeared under his mandate? What happened to the integrated secondary school, then to college and then to apprenticeship programs that were well developed in the late 1970s and early 1980s? What happened to those visionaries in the skills development department of the Ministry of Colleges and Universities who in the late 1970s had built a top-quality North American model and were moving it towards a European-type model?

I would like to get from the minister some sense of his ideas with respect to the original intent of placing all skills development, vocational training and human resources planning and forecasting under one roof and to act as a conductor in ensuring the orchestrated success of the various ministries responsible for the continuous progress of skills development and the enlightenment of our citizens.

16:30

The minister may also wish to share with us his ideas on whether the Ministry of Skills Development should continue as a part-time ministry. There appear to be problems with it, particularly in relation to his other ministry, the Ministry of Colleges and Universities. Although we all recognize the importance of colleges in our training system, one is left with the perception that had he not been the Minister of Colleges and Universities, other players might have been able to get more involved in some of the programs that have been delivered from his ministry to date.

Was there really no role for school boards in the Futures program, given their responsibilities to young people and their many vocational facilities? During these estimates, I will document cases where the Futures program is having a negative effect on some of our school boards. Perhaps the minister has erred by not involving this vital first step in skills development. In seemingly never-ending conflicts between institutional program delivery and the community agencies, the perception is that when push comes to shove the minister's loyalties will lie with the colleges.

Some may go so far as to suggest that the heavy reliance on colleges for delivery, both of

Futures and, we understand, of the OTS programs including basic skills, is more a function of providing funding for the institutions than necessarily funding the most effective, cost-efficient, community-sensitive delivery system.

There are other difficulties with the ministry. At times, the minister has been very critical of the Canada-Ontario training agreement. At other times, he expresses satisfaction with the amounts of training funds he has been able to negotiate from the federal government. In his opening statement, he attempted to set some of the record straight, but left several questions still unanswered.

Sometimes, contradictions appear even in a single speech. I read with interest the speech you delivered to employment counsellors in Toronto in June when you spoke about the federal government pledging more federal training resources in terms of actual purchasing power. You spoke of it as a major breakthrough. You then went on to castigate Ottawa for unilaterally deciding to reduce its support for institutional purchases and said, "The stated objective was to foster a more market-driven system," later stating that you agreed with the federal change. These are contradictions that do not provide a very confident picture of the manner in which we approach these negotiations.

In the apprenticeship area, for example, the famous General Motors international skills pageant, where Ontario workers did not even make the five semi-finalists, pointed out how few skilled trades people Ontario is producing. In Hamilton, an area I am quite familiar with, employers routinely go out of the province to find the skilled trades people they require.

The minister has laid this at the feet of previous governments, but what has been done in the past 16 months to increase apprenticeship intakes significantly? We have a youth hotline. We will have an OTS hotline. Will there be an apprenticeship hotline that employers and apprentices may call to match needs? In any discussions with GM or other new employers, has the minister questioned their immediate needs for skilled help? Did he ask whether they could have done with half the number of skilled imports, with the balance made up of second-year or third-year apprentices who are relatively skilled, although not completely so, young Ontario workers who perhaps could complete their training in the new plant one or two years down the road?

Last February, the minister spoke of an apprenticeship review being undertaken by his department in concert with the federal govern-

ment. A review was spoken about in June. We would like to know when that review will be completed and when we will see some concrete plans to bring more apprentices into this system to satisfy our future skilled trades needs.

Will we be waiting for next year? Will we be waiting for the year of the apprentice? Will it form part of your 1987 election platform? We believe it is quite unfair for the minister to delay programs because he does not have the financial support from Ottawa or because his ministry is unable to develop the programs fast enough. Time is an ugly weapon against the unemployed workers of this province.

One of the concerns that has been expressed relating to apprentices has been that social attitudes are not conducive to people enrolling in such trades. Academic achievement is valued more than vocational talents. Does the minister agree that is a problem and, if so, what kind of campaign is he working out to correct it? What kind of curriculum reinforcement is he missing, not only in our secondary schools but also in our elementary schools? Quite frankly, that strikes at the root of the problem. For the minister not to be consulting on such matters in meaningful ways with his colleague Mr. Conway is unfair to the future aspirations of any apprenticeship program.

Has the minister considered deleting the percentage rate applied to apprenticeship pay? Union shops are sometimes leery of accepting apprentices if it means paying \$10 or \$12 an hour for a young person who may have just left school and never been on a job site. Has the minister considered a standard apprenticeship rate that might make it more economically attractive to take on apprentices? Has he looked down the road to see whether an incentive plan is possible to encourage employers to keep on their apprentices during slacker periods instead of, as they do traditionally, laying them off and disrupting the apprenticeship progress?

I wonder what has been done in the past 16 months to update apprenticeship schooling. I hope during these estimates you will be able to give us tangible examples and specific institutions where that has occurred.

When trades updating starts, primarily next year, it will help a few journeymen update their skills. However, what has been done for the auto apprentices programs, carpentry apprentices programs or all the others that want to update their in-school programs so that the apprentices who do come out will not require this update program almost as soon as they acquire their certificates?

When the minister announced Futures, he said it was not a program designed to entice young people away from colleges and universities. Conspicuously absent from that list are secondary schools, which are experiencing severe enrolment losses this year, some of them apparently as a result of the Futures program. As was stated by the Ontario Association of Education Administrative Officials, it is hard for a school to compete with a so-called guarantee of a job through Futures, or at least the promise of \$100 a week.

Depending upon his or her birthdate, a young person in Ontario can leave school in June at age 15, swim for the summer and get a job through Futures in the fall. Real problems such as these are happening. It is one of the reasons the school boards wanted some input into Futures after it was first announced by the minister. We all recall the promise of the Premier (Mr. Peterson) that decisions would no longer be made without giving a voice to those who must live with the consequences. Did the school boards have any say in Futures or in Ontario's Training Strategy? If the minister or his senior staff had cared to listen to the trustees and secondary school teachers, he may have been warned about a serious problem with the impact of Futures.

There is no recognition for the full development of students by pulling them out of school early, for any reason. Under certain circumstances, Futures serves only to stifle or stultify their development by teaching them only that which a specific employer expects of them. Surely the promise of our educational system is to help our youth to think, to evaluate and, above all, to set personal goals. Did the minister ever stop to think about the individual goals of students?

How about the service providers at youth employment centres, help centres or those in the front lines in our colleges? Will they be fully consulted in the future, or will they continue to be given memos outlining new policy directions or invited to briefing sessions to have made-in-Toronto policies and programs explained to them?

We also recall that the Premier said, "Unemployment knows not fairness." Young people, women, the handicapped, natives and visible minorities require unique programs to deal with unique needs. Ontario's Training Strategy, however, does not seem to be targeted at anyone in particular. It is a generic program with a promise that emphasis will be given to certain groups, and there is a significant difference in that. That is far

from a unique program to deal with unique needs. Perhaps the minister will advise us on what specific and unique programs he has devised within OTS to target assistance to the groups mentioned by the Premier and to any other special needs group which could be identified in a changing market.

16:40

We have reached a point in this ministry where we have to take a hard look at the ministry's performance and the minister's intentions. Sixteen months is a reasonable period to have elapsed. We want to see this ministry able to grow and to develop to fulfil the promise it had when it was first started.

I have stated several concerns by way of questions in my opening statements and, as I said at the outset, the best way to deal with them would be in an open, honest discussion in the ensuing eight hours that are left to us.

Mr. Warner: First, I indicate my uneasiness every time an opposition member uses my name in a printed statement. I get a little nervous.

On the one hand, it may seem very kind of the minister to have included me on page 21 of his statement; on the other hand, quite frankly, I would just as soon that he took it out.

Hon. Mr. Sorbara: Done.

Mr. Warner: The quote is accurate. There is nothing inaccurate or wrong about the context in which it was used. However, I do not particularly want it attached to this document.

Hon. Mr. Sorbara: I am sorry. I cannot change the document, but we can change the record.

Mr. Warner: Okay.

Hon. Mr. Sorbara: Hello, Hansard, change that.

Mr. Warner: You could have put in my riding.

Mr. Chairman: Order. It is already on the agenda for the NDP caucus next week.

Mr. Warner: Yes. I am probably going to be deep in hot water.

Mr. Jackson: Mr. Warner, why do you not put the time on your points of criticism? That is what I would have done. I would have left that in, but I would have wanted equal time.

Mr. Warner: That is right.

I want it removed because this is an extremely disappointing statement from the minister, and I do not want my name attached to a failure. I would like it taken out as soon as possible.

Mr. Jackson: It is not that bad.

Mr. Warner: You folks have been taken to the cleaners on the federal-provincial letter of intent and yet there is nothing in here to indicate how the minister intends to make up for the shortfall, for the lack of money or for the threat upon our colleges. I will go into that in more detail later on.

The minister has a Futures program which he knows has some problems. In some centres, in particular Metropolitan Toronto, there are very serious problems with the drop-out rates and the programs not reaching black youth. He paints a rosy picture around employment, but the figures that are used are very questionable. I do not think they are accurate.

On the apprenticeship side, the minister has failed to come to grips with the basic problem which confronts apprenticeship. I think he knows that as well as I do. The philosophical approach on apprenticeship is not one whit different from what the Tories have had over a long period. There is a little fiddling around the edges, but the basic has not changed any, and apparently he is not prepared to come to grips with that.

Community-based programs are feeling threatened because no policy direction has come from the minister on what their future holds. This is not just for the unemployed help centres, but also for other community-based programs—in particular, those that are attempting to assist women re-entering the work force. They do not know their status and they do not know why, for example, they are not part of the ministry's training strategy. It is fairly obvious that its training strategy is employer-driven and not directed towards community-based programs.

At worst in here is what I take as a thinly veiled insult to the workers of Ontario. I will go back to pages 5 and 6. You and I both know, or at least we should know, productivity these days is measured in technology and in technical change. When the Big Three car manufacturers talk about productivity at their plants, they are talking in terms of how well they have been able to robotize their assembly lines.

What is suggested here is that the workers in Ontario are not working hard enough. They are not sufficiently skilled or are not working as hard as people in other countries. I categorically reject that. Our workers in Ontario can be very proud of their individual productivity. Certainly, many of our industries require modernization. They have to accept some of the technical change to be competitive with other countries, but I categorically reject the suggestion that our workers are

not as good as workers in the United States, Italy, the United Kingdom, France, West Germany and Japan. I do not think there is any evidence for that.

Those are the four basic areas where it seems to me there is not the kind of leadership required if we are going to solve problems, and we have some serious problems.

I want to turn for a moment to the apprenticeship aspect. The Conservatives brought it up in the House. They thought they had a real goody when they talked about the General Motors situation. Their leader, Mr. Grossman, went after you in the House about General Motors. Unfortunately, they had not done all their research.

What I knew was that GM was looking for approximately 120 tool and die makers who had about six years' experience. It was looking for experienced people. One says, "Why is it not participating in the apprenticeship programs?" I understand it employs about 500 apprentices. One can argue that it is doing its fair share. Why can it not find experienced people? I do not think it is GM's fault. Actually, I think the blame comes back to Mr. Grossman and his group. They had the opportunity when they were in power to bring in a proper apprenticeship program but failed to do so. Now General Motors and others are having a problem in finding sufficient numbers of skilled people.

This is a letter that was written by someone from the apprenticeship committee, Local 1520 of the Canadian Auto Workers. One of the points he brings out is where he says:

"I have not seen any advertisements for skilled workers for General Motors recently, but with your statement in the Legislature being reported in the newspapers, I would imagine that General Motors will receive a great deal of inquiries about vacancies for tool and die makers. How many small companies are going to lose their self-trained journeymen?"

Because we have this ad hoc approach on apprenticeship, it means every once in a while there will be gaps. They are going to be filled basically in one of two ways. Companies are either going to steal trained people from other companies or they are going to go overseas, to other jurisdictions.

For example, if my memory serves me, over the next five years we will probably have a shortfall of more than 600 carpenters in the Metropolitan Toronto area because of retirement. Where are these folks going to come from? I have said it before and I will say it again. Until

this province is prepared to bring in a grant levy system or a system similar to what exists in West Germany or Sweden, we will continue to flounder along from one year to the next with crisis management in trying to supply our industries with skilled people.

16:50

It is positively stupid. I cannot think of any other word as to why we would continue. Just because the Tories allowed that to continue over four decades is no reason a new government should shy away from the challenge of bringing in an apprenticeship system that would answer our needs, the needs of industry and the needs of the individuals involved, so people are properly trained, and everyone shares the cost of that under a proper grant levy system.

As you know, there is no advantage one company has to another in not participating. It is an equalizing system and there is a payback based on one's participation rate. There is no disadvantage, nor any particular advantage, to a company either to opt in or opt out. The result is that you build a system whereby every employer, regardless of size, participates. As you know, we have an extremely low participation rate among employers.

In your opening statement, you talk about how we have up to 538 employers who are participating, but that represents something like only 27 per cent of all the employers in Ontario, as indicated in your document. That is not good enough. That is unacceptable. It seems to me it is highly unacceptable. We have a very low participation rate by employers. We have a high unemployment rate—and I hope you would agree it is unacceptably high—in Ontario. We have a lot of young people out of work. I understand that as of August, Employment and Immigration Canada figures show that 109,000 people in Ontario between the ages of 15 and 24 are unemployed.

We have a lot of people out of work. At the same time, we have people such as General Motors, and I am sure there are others, who are attempting to secure trained people from other jurisdictions. That will continue. That is not an anomaly. There will be more. Now do you understand why I do not want my name in your book?

As I mentioned to Mr. Jackson when we spoke before, I have a number of things to say and I am going to try to say them quickly and succinctly so we can go through this in an orderly way.

I was quite sincere in the remark I made. I believe if a program rescues people, then that program is worth while. For many years, I have

worked with Youth Assisting Youth and had the good fortune to work with the group that founded it in 1974. We kept youngsters out of the judicial system; we needed to keep only three youngsters out of the system in a year to pay for the whole program. We worked with approximately 100 youngsters every year and had over a 90 per cent success rate. It is documented through third-party studies.

The program was extremely successful. In financial terms, it saved the province untold sums of money because we were keeping people out of the judicial system. In human terms, it meant those young people would get off to a good start, would stay out of jail and become useful, productive citizens in our community. Any time we have a program that does that, it is worth while.

That aspect of Futures is great, but what I am disappointed about is that you did not acknowledge the problems that exist, and I am sure you are aware of them. You must be because you have a very good staff that tries to keep you briefed on what is going on, but there are some severe problems and you simply did not acknowledge them.

I look forward to going through these estimates point by point and I will attempt to address only those items that you have raised at the start. Other members, aside from the two critics, may wish to jump in on some of these items.

Mr. Chairman: I will even recognize them from time to time.

Mr. Warner: Even though they are not mentioned in the documents.

Mr. Chairman: Even though they are not written down in any minister's document anywhere.

Mr. Jackson: They are not favoured.

Mr. Chairman: We will go to the minister's response, but I hope a little acrimony can develop between the critics and the minister. There are certain traditions of the House that should be upheld. Total co-operation has no place in this House. I want that to be understood.

Hon. Mr. Sorbara: I will be very brief. I suspect many of the issues that were raised by the two critics will come up in greater detail through the questioning process and I will leave most of them for then.

Let me respond to the comments of Mr. Warner first. I guess I should apologize for including you in my statement, David, but you have told me personally, and I have seen your comments in written form, that Futures is a good

program. Do you know what? We agree on that, and I do not think you should be embarrassed to say that this government has a good program in Futures. Problems? Certainly. Any program that expansive will have problems. Our responsibility is to deal with the problems and make the program better. If you do not like the statement and you are in it, do not worry; you might get quoted in Rosemary Speirs's book and you might not like that either. It is on the record, and we cannot do anything about it.

Your comments about apprenticeship are interesting. We will probably get into that in more detail as we go through. You have suggested a grant levy system. All I can tell you at this point is that a rather thorough analysis of what we should be doing in the future in apprenticeship is ongoing. We have long-established traditions of apprenticeship in this country. We are working from territory that has been fairly clearly defined. Our objective is, as you so eloquently said, to create an apprenticeship program for the future. We obviously have to acknowledge the past in doing that.

One of the major difficulties and dilemmas in apprenticeship is the fact that an individual comes in to the apprenticeship program as a result of being hired by an employer as an apprentice. When the economy expands through its various cycles, more people will come in to apprenticeship programs and work their way towards certification as apprentices. Unfortunately, that is just the time when journeymen also are required. The cyclical nature of the economy and the way in which one traditionally participates in the apprenticeship program raise some serious problems for ensuring that we have the skilled tradespeople we need when the economy is in an expansion phase.

The question I ask myself, as we work towards new programs, is how we are going to ensure a continuing opportunity to apprentice during periods when the economy is slower and employers are not taking people into the apprenticeship program. Those are some of the issues we are looking at.

The other things you raise we can get into in greater detail as we proceed through the estimates.

Mr. Grande: Are you making a case that the system as is does not work?

Hon. Mr. Sorbara: No, I am saying that the system as is, is not perfect. I am also saying that we are not going to change it overnight. We have had a rather dramatic expansion in numbers

enrolling in the apprenticeship program right now because the economy is hot.

Mr. Chairman: I have only allowed this intervention because you were so kind as to replace me in the chair for a while, Mr. Grande. Otherwise, it is totally out of order.

Mr. Grande: Of course, and you want no acrimony.

17:00

Hon. Mr. Sorbara: I was very interested in the comments of my critic from the Progressive Conservative Party. If I can sum up his comments, he asked: "Why is it that you have been in office for 16 months and the world is not yet perfect? Why have you not done everything needed to create a perfect world in the area of training during that lengthy 16- to 18-month period?" I say to my critic from the Progressive Conservative Party, "Stay tuned."

You will probably have to stay tuned longer than another 16 months. I do not pretend that we will solve all the issues relating to training in the next year or two years. I am not saying that every idea this ministry has put into place was created by the Liberal Party or the Liberal government. I am not saying that every program we deliver is delivered in a perfect fashion. I can say that the initiatives we have taken during this 18-month period have been responsive to the needs of the province.

My critic from the Progressive Conservative Party said, "My goodness, you do not even know whether you are a ministry, yet Bill 9 still sits on the Orders and Notices." The United Kingdom has got along very well, thank you very much, for centuries without a written constitution, and I prefer to look at what we are doing programatically rather than what we are doing in terms of statute. If the legislative agenda were not so burdened with important legislation, we might have proceeded with Bill 9.

I do not care if it ever gets to the House. I prefer to care about what we are doing in the ministry. Ministries have come and gone in the history of this government in 100 and whatever number of years it is, without being cast in the statutory furrow. That is a model that is perfectly all right. What you have to look at is the emphasis on skills training that has been contained in both throne speeches and the work we have done.

He asked a question about the expansion of the ministry, and we may get into more detail there in the line of questions that I am not as confident to answer as are my deputy and others in the ministry. I inherited a ministry that had just come into being. Your remarks suggested that Phil

Gillies, the new member with the hatchet, had all the good ideas and they were all there laid out in his first speech. Let us not play games. There were good ideas brewing and, probably, if there had not been an election on May 2, 1985, and if the government had not changed on June 26, 1985, some of those may have come into being. That is just a matter of speculation now. We have to stand on our record, not on what might have happened under other circumstances.

I will leave it to officials to deal with the question of hiring guidelines and that sort of stuff. I do not involve myself therein. There is a process in government to determine opportunities within the ministry—which was small and understaffed when we came in—and we expanded our program and got authorization to bring in new people to run a fully staffed ministry.

You were more critical of the Futures program than your counterpart from the New Democratic Party, and I think you were—

Mr. Grande: That is it, Mr. Warner. You are through.

Hon. Mr. Sorbara: —simply trying to get on the record rather than reflect reality.

For example, you suggested—

Mr. Grande: I cannot take this.

Hon. Mr. Sorbara: But you have to take it.

Mr. Chairman: I will put you on the list, Mr. Grande.

Mr. Grande: I will listen while you are here, but I do not have to take it.

Hon. Mr. Sorbara: Mr. Jackson suggested that at one point I said that Futures is a brand-new program.

Mr. Jackson: That is when you get into trouble.

Hon. Mr. Sorbara: When I get into trouble with you, I say no, it is not just like the previous program. Read the documents, for goodness sake. Read my announcement when I introduced the program. Read my statement to the House which talked about consolidating existing programs, improving existing programs, providing for a one-year guarantee, putting an emphasis on training rather than simply job placement and redirecting the activities of the ministry.

There was no suggestion in that statement, nor have I ever suggested, that we created out of nothing, in some sort of divine way. That was not the case. We never suggested it; no one ever suggested it. We built on the best we found and we added to it commitments we had made as a political party and commitments we had made after June 26, 1985.

The unemployment insurance ruling was absolute insanity. It was based on the premise that the young people in their work experience were somehow not engaged in employment. That just did not make logical or substantive sense. It was crazy to suggest such a thing. We simply referred back, not only to programs that the ministry and the government of Ontario had previously been responsible for but also to programs that the federal government itself was operating.

You suggested that pre-employment preparation was not employment, and we accept that there is not employment for unemployment insurance purposes, but I do not know what you are criticizing about the initiative. I think we moved rather quickly to bring the federal government to its senses with the very least possible disruption to young people participating in the program. I have not heard—maybe you will bring them up during the estimates hearings—of one person who suffered as a result of that ruling, because we were able to get it turned around quickly enough so people were not—

Mr. Jackson: If the minister is asking me a question—

Hon. Mr. Sorbara: No, I am not.

Mr. Chairman: I am sure it is rhetorical.

Hon. Mr. Sorbara: Again, you mentioned problems of delivery. What program does not have problems of delivery? I will hear from you later about those. The suggestion in your remarks was to the effect that we were stealing kids out of school. We had not involved the school boards. We were enticing them away with \$100 a week. We were enticing them with—

Mr. Jackson: Sexy advertising. Luring them.

Hon. Mr. Sorbara: Nothing could be further from the truth. It is not reflected in reality. I hope to hear in his statements whether my friend has spent very much time visiting youth employment counselling centres, talking to kids who were in the Futures program, or has gone to delivery agents in community colleges delivering the Futures program. I would like to hear how much time he has spent actually talking to the kids, asking them whether they were somehow enticed out of school to participate in Futures. I have asked those questions. I have asked questions of the kids when they have come.

Many of the participants in Futures have completed a secondary school program and have not had employment opportunities. We are certainly not enticing them out of secondary school because they have completed it. It does

not reflect the reality I have experienced, as I have gone from youth employment counselling centre to youth employment counselling centre. My mailbox is not deluged with letters from school boards saying, "My goodness, you are emptying our schools." It is just not the case.

My friend made some comments on Ontario's Training Strategy. "Where is the substance?" he asks. I suggest he read the material again and perhaps he will raise some questions during the questioning portion. In that context, he also referred to the fact that this Ministry of Skills Development, as originally conceived by the member for Brantford (Mr. Gillies) with the knife—

Mr. Chairman: Hatchet.

Hon. Mr. Sorbara: Hatchet. I am sorry.

The ministry was supposed to take in all training everywhere in the world, just pull it all in. Wherever training is going on, command responsibility for it, take it over, create a superministry that speaks to every aspect and has responsibility for every program, internship program or rehabilitation program under the Ministry of Community and Social Services. Frankly, that is not my view of what the Ministry of Skills Development ought to be like.

17:10

I see incremental growth in the areas of responsibility in the Ministry of Skills Development because I firmly believe that skills training and development of programs that offer people the opportunity to expand their skills is where the action is in Ontario, in Canada and in North America. I am not particularly concerned if other ministries are carrying on activity that is responsive to that need. It is not going to be my priority to capture those things and be the minister for all training all over Ontario.

Mr. Chairman: The czar.

Hon. Mr. Sorbara: The czar of training, right.

Mr. Grande: As opposed to the czarina of education.

Hon. Mr. Sorbara: I was not here in those days, but I heard about them. I am sorry I missed them.

Mr. Grande: Now we have a czar.

Hon. Mr. Sorbara: My friend also said that there was nothing unique in Ontario's Training Strategy and it was not being responsive to the individuals who are in need. Again, I say to him, read the document, follow along, stay tuned, see how the program works. We are not creating out

of nothing. We are building on pre-existing strengths. We are redesigning. We are trying to make incremental but substantial improvements.

The government had a choice to make with funds that it collects from the taxpayer. We could do (a) something else or (b) skills training. We have chosen (b). In the design and implementation of Ontario's Training Strategy, you will see the effect of that. My objective is to make training part and parcel of life in Ontario, part and parcel of doing business in Ontario, developing a training culture.

The political philosophy of our government is not that we are going to do it all or we are going to find ways of forcing every activity in society to have a training component. The political philosophy and the approach is to try to work through incentives, through initiatives that we can responsibly take as a government to foster additional training within society.

We are not attacking the strength of our community colleges or universities. We are working in concert with them. There is no conflict of interest with my Ministry of Colleges and Universities. We are working in concert and we are building and utilizing community colleges to assist in this process even more than they have been assisting in it up to this point.

It makes great rhetoric for the record, but my friend has not analysed in a fair, reasonable and objective way the programs we are responsible for in this ministry. While I know I am going to learn some things from him during these estimates, I hope he will be as open and be able to learn some things from us as we answer the questions he no doubt has.

Mr. Chairman: We are on vote 3401. I, too, had wondered whether, without a specific bill for the ministry, you were just a figment of our collective imaginations. You will be happy to know, Mr. Jackson, I found an order in council which says the ministry does exist and therefore, we can hold estimates. That is why we are proceeding today. It is vote 3401 which you have before you, main office.

Hon. Mr. Sorbara: I used another test. I pinched the ministry the other day and it screamed. I know it exists by that route.

Mr. Jackson: How much did that cost?

Hon. Mr. Sorbara: The pinch?

Mr. Chairman: It was a cost-saving pinch, I imagine.

Any questions on main office?

Mr. Warner: Does the first vote includes the Canada-Ontario agreement on training? That comes under the first section.

One nitpicking point: I noticed the minister has a salary of \$26,499 listed in here.

Mr. Chairman: It seems to be quite similar to other ministers' salaries I have noticed.

Mr. Warner: But there is also one under Colleges and Universities. Do you get double the pay?

Hon. Mr. Sorbara: No.

Mr. Warner: Double the work but not double the pay? Gee.

Mr. Chairman: They will donate it to his favourite charity.

Hon. Mr. Sorbara: There is no salary under the Ministry of Colleges and Universities budget. Just because—

Mr. D. R. Cooke: That means you give this ministry first priority, then.

Hon. Mr. Sorbara: Only in areas directly related to skills development.

Mr. Warner: I want to pose one question. I look at the information you have given me on page 29 of your statement, about the reduction in funds from the federal government; I look at your concern, which is expressed on page 28, that the federal government may be promoting the establishment of a duplicate training system that would undermine our own college system; and I look at a comment on page 31 that you are increasing training by \$50 million, but we know this is not as much as the reduction from the federal government. Then I consider some of the comments that have come to me from various colleges expressing similar concerns and outlining the fact they are looking at a reduction in money:

"The results of the new agreement may be quite disruptive to the college system over the next several years. Direct purchases of institutional training in 1977-78 are guaranteed only at 76.5 per cent of the 1985-86 allocation, and in 1988-89 only at 61 per cent of the 1985-86 allocation. Taking into account"—

Mr. D. R. Cooke: Where are you reading?

Mr. Warner: This is from the letter I received:

"Taking into account potential per diem rate increases, the worst case scenario could involve training activity cuts of 50 per cent or 60 per cent over the three-year period of the agreement.

"Colleges can anticipate significant reductions and displacements in their teaching staff, and since reduced federal purchases will involve reductions in contributions to overhead costs, all areas of the college operations will be affected.

Programs may have to be cancelled or phased out."

I want to make it clear to the minister in posing my question that it is not just me. It is not just some kind of warped mind of the opposition determined on—

Hon. Mr. Sorbara: It is not some socialist maniac.

Mr. Warner: No. There may be some of those around somewhere; I have never met one, but I am sure they are out there. It is not me, it is the colleges. And not just one college; we have a number of letters. This one was from Mohawk; others are from other colleges across the province that are deeply concerned about the agreement. They see what is happening, and some of the reductions have already taken place.

I am getting to my question. I know you are anxious.

Hon. Mr. Sorbara : No, I am not.

Mr. Warner: The second phase of that was something I mentioned when we did the Ministry of Colleges and Universities estimates, and I raised the item concerning Bowes and Cocks in Peterborough. Of course, the Conservatives thought I was making it up, or they were busy defending Bowes and Cocks.

Mr. Jackson: No. The record shows it was simple clarification.

Mr. Warner: Clarification, okay. How about a further clarification? Do you know that Sir Sandford Fleming College has offered two 20-week computer operator programs per year for the last four years? "These programs may not have the field experience that the Bowes and Cocks program has, but this could easily be added. We have been training 40 students at a cost of approximately \$65,000 a year." I think Bowes and Cocks received \$353,000 from the federal government to run a duplicate program and undermine the college.

17:20

"We could anticipate negative effects and in fact at the final negotiations for 1986-87 training days, one computer operator section beginning in January was cancelled. This contract is one example of the negative effects of the new agreement between the Ministry of Skills Development and the federal government. It should be noted that the college was not consulted in the least way concerning this contract. The new agreement provides for provisions for the college being consulted, but no guarantee that the college's advice will be heeded.

"The net effect of the new agreement is that the college will receive 90 per cent of the training dollars in 1986-87 that it received in 1985-86. It will receive 85 per cent of training dollars in 1987-88 and 80 per cent of the training dollars in 1988-89. This means that by 1988-89 the college will receive 60 per cent of the training dollars that it received in 1985-86. This will represent approximately 50 per cent of the training."

This is another college, but the numbers are almost identical to those of the first one I read. I suspect it is the same across the system, right across the board. The removal of training from the college, while avoiding union wages, will, in my opinion, lead to a decline in quality. The other major problem in an area such as Peterborough is that the industrial base is not broad enough to provide the level of training that the college has done in the past. Bowes and Cocks will cost the public, I guess, almost five times what our colleges would have cost, with no guarantee of quality, and will undermine our college system. All this is permitted through this agreement, which you so unfortunately signed and, I am sure, must regret at this point.

In view of the shortfall in money and in view of the undercutting of our college system that the federal government is doing, what do you intend to do beyond the \$50 million to ensure that the college system in Ontario survives? How do you intend to answer the mistake you made in signing the agreement, not only to protect jobs but also to provide the kind of training we want done?

Mr. Chairman: Before I go to the answer, I have a point of order and clarification. It is going to be very tough for Hansard to know what was quote and what was comment there. I suggest for the future that when reading letters or portions of letters, you give the date and who it was from and then be very clear when you are not quoting. You jumped back in.

Mr. Warner: I am sorry. I will straighten it out with Hansard afterwards, if you like.

Hon. Mr. Sorbara: What was the question again?

Mr. Warner: Do you want the preamble?

Hon. Mr. Sorbara: No, I do not want it.

Mr. Warner: We cannot do this in the House. What are you going to do to stop—

Hon. Mr. Sorbara: What am I going to do about it? What is the minister going to do about it?

Mr. Warner: Yes. It is a bad problem. How are you going to solve it?

Hon. Mr. Sorbara: You and I have been over some of this ground before, but this is the appropriate forum in which to deal with it in a more comprehensive way. You suggest that it is a bad agreement and that I should never have signed it; look at the damage I am doing, having signed it.

I invite you to speak to college presidents in other provinces where no agreement has been signed, because of the negative impacts that other ministers in other provinces foresee. There the federal government has determined to spend up to only 90 per cent of the previous year's spending on a course purchase basis—that is, if we buy it, we buy it; if we do not, forget about it—so there is no ability to plan, no ability to know what staff to keep on and no sense of what the federal government is going to do. That is what we hear from our college presidents as they talk to their counterparts in other provinces.

You must remember, and this point has to be made, that this is the federal government spending its money on areas that it determines are a priority. We are not talking, when we talk about this agreement, about how Ontario will spend taxes that it raises in Ontario. We are talking about the federal government determining, through its Canadian Jobs Strategy, which this government has never endorsed, how it will spend its money to effect the ideals, objectives and programs contained in the Canadian Jobs Strategy.

I have said before and I will tell you again: We could have, we did have the option of saying, "We just do not like it and we are not signing an agreement with you." In fact, we said that for a number of months because of what they were proposing during that time.

What we said in the letter of intent and in the subsequent agreement was that the real levels of training would increase in Ontario, that community colleges would have access, where the federal government determined, through its spending and through its choice, to funnel its money through the private sector.

But notwithstanding their desire to do that—and you know there is great political clout in doing that—let us face it; let us acknowledge what the hell is going on. Even though the federal government does that, we determine, through that agreement, the ability for our colleges to have fair access to the training contemplated in a grant or an allocation made under the Canadian Jobs Strategy to the extent that there is a training component there.

In addition, we have ensured that the real level of spending on training in the current fiscal year will remain at the level of the previous year, notwithstanding that federally they are cutting back \$200 million. So we have said, "If you are going to cut back in Ontario, at least do not cut back in the training activity that you undertake." The agreement says that if you do not spend the money, you have to come up at the end of the year with the cash.

I acknowledge that you are right about the cutback in direct purchases of institutional training over the three-year period. We have incorporated within the agreement a mechanism to replace that direct purchase of institutional training with indirect purchases of institutional training through these other mechanisms. We are trying to ensure, to the best of our ability, that the federal government, as it chooses its new direction, (1) will not leave our colleges high and dry, because we have to be concerned about that, but (2) will acknowledge the reality in the province, which is that we have a very sophisticated and very effective system for institutional training.

We have incorporated all of those elements within the agreement. You cannot force another level of government actually to do the spending. At the end of the day on the agreement, you can say, "You said you would spend so much and you did not, so send us the cash." You can use political clout at the end of the day and you can remind the world that the federal level of government is not living up to its commitment to provide more training opportunities for the people of Ontario.

But in an environment where they say they are going to cut back, I continue to believe that we are in a better position than we would have been in in the absence of an agreement, and our training system is protected to the greatest extent possible in an environment where the global amount is shrinking.

Colleges will have to reorient towards this new structure. I am not responsible for the political choices made by the federal government. We have tried to arrange a meeting, on behalf of myself and a number of community college presidents, with the new federal minister to discuss some of these problems. As yet we have not had a clear commitment that he would meet with us and with community college presidents to resolve some of the difficulties, and we await a response.

This was a program championed by the previous minister, Flora MacDonald, who is now

Minister of Communications, and we have a new minister there who I feel may not yet have a working knowledge of what the strategy was all about. Believe me, within the federal ministry there have been some problems with understanding what the Canadian Jobs Strategy is really all about.

17:30

Mr. Warner: You did not answer my question. Are the feds living up to their agreement?

Hon. Mr. Sorbara: We are still in the midst of the first year.

Mr. Warner: You are in the midst of it, yes, but the cuts are there. I want to know whether you are prepared to offset, to equal, whatever those cuts are.

Hon. Mr. Sorbara: The answer is no. We are not in the business of replacing programs that the federal government determines to cut back.

Mr. Warner: So if the federal government withdraws its money systematically, and if the agreement says it is supposed to come up with the cash at the end of the year and it does not do it, the colleges are left without the funds, you are not prepared to do anything about it and they will sink.

Hon. Mr. Sorbara: No. The agreement states clearly—I think you have seen a copy of it—

Mr. Warner: Yes.

Hon. Mr. Sorbara: —that where the spending is not up to that level, they will reimburse. That is clear. That is in the agreement.

Mr. Warner: At the end of the year?

Hon. Mr. Sorbara: Yes.

Mr. Warner: You do not think the cuts are going to happen before then?

Hon. Mr. Sorbara: The day after the year ends, we are not going to be able to do an audit to say what the level is, but we are monitoring. Perhaps it would be beneficial if I had my deputy minister—and at the same time I will introduce Helmut Zisser, who is responsible in these areas—go over some figures for Sir Sandford Fleming College, the college you referred to.

Mr. Tully: I think you understand, Mr. Warner, that, of the guaranteed amounts under this year's arrangement, the federal government is committed to spending \$166.3 million on training in Ontario colleges. It is doing that in three ways: first, through the direct purchase route, which has been cut 10 per cent from last year; second, under what is called the community industrial training committee indirect purchase

route, which is indirect purchases utilizing community industrial training committees as vehicles for making determinations about what kind of training and as vehicles for expressing those decisions directly to the community colleges; and third, in the category that is called other direct purchases, which represent purchases of college training by what they refer to as managing co-ordinators in individual contracts with the Canada Employment and Immigration Commission.

The CITC indirect purchases amount is \$9 million this year, and the other indirect purchases amount is \$7.6 million this year. The CITC indirect purchase amount allocation of \$9 million has been made to the colleges, and the colleges are aware of this incremental amount of direct and indirect training purchases. In the case of Sir Sandford Fleming College, it had roughly 90 per cent of its last year's plan made up in direct purchases. It has received roughly another five per cent on top of that in CITC indirect purchases and it will get, through the other indirect purchases route, another five per cent. That other five per cent, across the college system, is what, in the final analysis, will have to be demonstrated to the province by the federal government in the reconciliation of the guarantee that has been provided to the province about actual training dollars directed to the community colleges.

Mr. Warner: I appreciate the figures you have provided. I do not want to beat it any more, but it seems to me that the colleges are not in as good a position as they were prior to the federal government's bringing about its Canadian Job Strategy and attempting to negotiate this letter of intent.

Hon. Mr. Sorbara: In that you are right, in the sense that the colleges would have been far happier had they continued to work under the National Training Act this year and had the federal government continued to make seat purchases of 100 per cent plus inflation of what it had done the previous year. We all know that. However, the federal government said without equivocation: "That is over. It is done with. We are not doing that any more. We do not know what we are doing yet. We want to try something new, but that is over."

In an environment where another government says, "That is over," it is rather difficult to say: "No, it is not. You have to do what you did in the past." We try to say, "Let us take what you want to do and ensure that it reflects our capacity in Ontario." Colleges have had difficulty, particularly because of the uncertainty of and lag in

implementation, and some of the confusion as to how this new program works. You should read the Canadian Job Strategy, and if you can explain what is going to happen after having read that document, you are a better person than I am and, frankly, a better person than many others who have read it.

Mr. Warner: The philosophy behind it is lunacy, if one had to depend on the philosophy of that to provide proper training. It is not working. It does not make any sense. It goes contrary to what we have always tried to do in this country, namely, giving people the opportunity to acquire training and then seek employment throughout the community. They are trying to flip that around to say that people should be trained only when there is a job available. That is one of the basics of it.

Hon. Mr. Sorbara: You make a very good point. You say "lunacy." Someone else said, "absolute insanity"; I do not know.

Mr. Warner: As zealous as the Tories in Ottawa are to privatize everything, including our college system, I was really hoping this government would take some leadership in saying, "We will defend the system and we are not going to see it go down the drain." Through this reconciliation process, wherever that is taking place, there should be a guarantee that the colleges are not going to suffer while you battle it out with Ottawa for the appropriate dollars. That is what I was looking for, and I have not heard it. It is not here, and you have not said it so far. The only thing you said was that you are not prepared to make up a short-fall.

Hon. Mr. Sorbara: You did hear us say there is a guarantee of funding. It is not as if we want the cash. We have placed the guarantee in the agreement to satisfy ourselves that the federal government—

Mr. Warner: These are the same folks who are undercutting our system by trying to run a parallel, privately run one. If you have faith in that agreement, go right ahead. Good luck. These are the folks who handed out approximately five times the amount of money required to a private firm with no guarantee of quality of teaching. Those are the kind of folks with whom you have entered into an agreement. Good luck.

Hon. Mr. Sorbara: It is the only federal government we have got right now.

Mr. Chairman: Like all governments, they come one at a time and they go one at a time.

We may have to hand out a bibliography of all the selected readings you have suggested tonight.

You have suggested about five of them. Would you collect that for me at the end?

Hon. Mr. Sorbara: I would love to.

Mr. Chairman: Thank you. Anything else on main office?

Mr. Jackson: Given that it took us half an hour with Mr. Warner's first question and he requires two hours to cover the materials, I wonder if he might presubmit the three remaining questions so that staff can assist in preparing a shorter response for the minister. It might be very helpful to all of us.

Mr. Warner: I still have four questions, and with half an hour each, that is two hours.

Mr. Chairman: Would you like to ask a question, Mr. Jackson?

17:40

Mr. Jackson: Yes. I was intrigued by the minister's response when I inquired about certain hiring philosophies within the ministry at this critical juncture, as he embarks on a voyage of new programs and so on. He fascinated me by stating he did not get involved. I guess I am directing my questions to the deputy minister.

Your staff complement now is 64 in ministry administration. Has that increased since April 1 and are all those positions filled?

Mr. Tully: The staff complement in the first part of the vote, ministry administration, is 170 at the present time.

Mr. Jackson: In an effort to assist all of us, and we are all on the same hymn book, in your background document to estimates on page 6 you give a breakdown of allocation of staff.

Mr. Kidd: In the administration book you are quite correct. As of the establishment of these estimates, there are 64 complement positions in the administration of the ministry. Subsequent to that, we received 25 positions from our ministries in respect of the financial and administrative function, which functions had been performed on our behalf by these other ministries, in particular, the Ministry of Education but also the Ministry of Labour, the Ministry of Municipal Affairs and Housing and the former Provincial Secretariat for Social Development.

We also received last year, through Management Board's submission, 35 additional positions for our planning, development and communications function. These positions, for the purpose of estimates, were not included in the base, but the money has subsequently been provided both last year and this year for these additional positions. In addition to that, we have

also had 55 additional positions approved by Management Board of Cabinet for the financial and administrative area, which includes finance, office services, human resources development, internal audit, systems development and other areas associated with the administration. That brings us to a total of 170 complement positions for the ministry administration vote.

Although the moneys are not all included in the estimates, as I say, some have come via Management Board orders or submissions, as you know Management Board must approve any of the money required. Supplementary estimates are provided for these positions but the present complement is 170. We are in the position of recruiting for a number of these positions. A number of the incumbents are in place, including a number we have received from the former ministries performing these functions.

Mr. Jackson: Could I express specific interest in the 25 new functions received from other ministries? Could we get a breakdown of those positions and from whence they came? Not on the spot. I am making a request for you to prepare that.

Mr. Kidd: I think I could provide it on the spot. There are 20 positions in the Ministry of Education.

Mr. Jackson: Sorry to interrupt you. What I am looking for is in which departments and in which areas. The amounts would be nice, the dollar values, but that is not what I am looking for.

Mr. Kidd: The dollar values are the positions themselves.

Mr. Jackson: If you are going to do the research and put in the report, it would be wonderful to have both. If the minister, being as gracious as ever, is going to get that for us, then I would ask you to do it both ways.

Mr. Kidd: Both positions and numbers?

Mr. Jackson: Please.

Mr. Kidd: Without names of bodies?

Mr. Jackson: You are going to give me the number of bodies, but I do not need the names. I need to know the title and what it now becomes under this ministry.

There are no supplementary estimates.

Clerk of the Committee: No.

Mr. Jackson: We will not be receiving them?

Mr. Tully: Not now.

Mr. Chairman: There is none on the present list.

Hon. Mr. Sorbara: There is none at present. I assume you receive them when they are required.

Mr. Jackson: I know we are on vote 3401, item 1, but if we are still on page 6, maybe we can deal with staff allocations. If I move to vote 3401-2, the four there, are there additions to that complement area? I am really talking about industrial training consultants in the field. Are there any changes as at April 1?

Mr. Kidd: There are no changes as of April 1, but there are changes contemplated as a result of the implementation of the Ontario Training Strategy.

Mr. Jackson: Is it my understanding that these estimates are really for the next six-month period? Could we get a clearer picture from the deputy minister with respect to numbers and costs associated with that expansion? I mean it is understandable. The minister has told us about all these people phoning in on hot lines. I have some specific cases I wish to raise in terms of how many clients one of your field workers is handling in various situations. I am not here to argue with you about the need for expansion. I want to get a handle on the kind of expansion that is going to be occurring.

Mr. Kidd: The difficulty we have is that those numbers, specifically associated with the training strategy, have yet to be approved by Management Board and would be part of the supplementary estimates when those come forward.

Mr. Jackson: Is it improper to inquire about what is going before Management Board in terms of numbers? That is a question to the chairman.

Mr. Chairman: You can always inquire, but there is absolutely no obligation on anybody to respond.

Mr. Jackson: Do you know when they will be going before Management Board?

Mr. Tully: I can tell you in approximate numbers. What is ultimately approved is something else, but we are looking at something in the order of 15 to 20 additional staff, directly related to the activity of the training support services on page 6. As you may be aware, with respect to the Institute for Skills Training, a steering committee has been established to look at the structure and resource requirement on that front, so that there may be subsequent resource requirements.

Mr. Jackson: Yes. I understand that would be somewhat separate. I am more interested in your field offices and their ability to keep up with demand and, therefore, to be as effective as possible. There are documented cases where they

are holding 700, 800 and 900 individual case loads, in some instances without secretarial support. You have to phone those offices and there is an answering machine.

Mr. Tully: That issue is a different one. I can provide you with a number there as well. That will not be part of the complement of the ministry and so it is not included in those numbers. The number you are looking for is the number of consultants who would be in our skills development offices and who are in place on a contract basis, primarily with community colleges. Obviously, those numbers are in the complement of community colleges, but we can provide you with what we expect in terms of numbers on that front relative to what is in place now. Those numbers are not included in the 32 complement, but when we are talking about training support services.

Mr. G. I. Miller: May I interject something here? Are you making any provision in the training strategy for agricultural industries?

Mr. Jackson: What area of the province are they targeted for? That might be another clue.

Hon. Mr. Sorbara: I think Mr. Miller can ask his own questions. In short, the answer is yes, not because we have said X millions of dollars or X percentage of the program will go towards agriculture, but because employers, whether in the agricultural area or otherwise, have the opportunity to come forward and participate in the program. The needs and opportunities for training are identified through employees, unions or employers.

17:50

For example, in a farming community a group of farmers might come together and approach the Ontario skills development office and work with the consultant there to develop a training program for the people who work on the farm. That would be as acceptable and workable a program in the strategy as one in the robotics industry in Windsor or elsewhere.

Mr. G. I. Miller: I am not specifically suggesting it for the farm workers, but for the farm industry and farm-related industry. One thing bothers me. As I look at the list of people employed in the ministry, I do not see anybody who has had experience in the agricultural field. That bothers me a little. How important a role does the agricultural industry have in the overall plans of the strategy?

Hon. Mr. Sorbara: The list you are looking at is a list of people who form a steering committee

towards the creation of the Institute for Skills Training.

Mr. G. I. Miller: I do not see anybody related to agriculture.

Hon. Mr. Sorbara: That is right, but I can assure you that at this time we are working at actually finding people to participate. We are creating a mandate for the Institute for Skills Training, finding the right people and working with the Ministry of Agriculture and Food to tell us about what we should be doing. You are right that the group of people who form the steering committee do not really represent a broad sector of Ontario's industry or of Ontario's population. It is a temporary body pulled together relatively quickly to help us steer this thing into something we hope will be broadly representative.

Mr. Chairman: I think the minister has heard your plea for more agricultural involvement, Mr. Miller.

Mr. Jackson: Mr. Tully, I want to pursue the issue of some changes. We dealt with numbers to a degree, but I also want to talk about the types of hirings that are going on. You are currently practising employment equity at your ministry. I suppose that creates certain unique challenges, given that one of the strengths of the ministry has always been the relative experience and skill of its employees in their prior technical job situations. Their prior employment became, in effect, a complement to their abilities in being effective consultants or industrial training consultants or whatever we call them; every two or three years we change the name.

I have been reading reports in the newspapers about a minor change in philosophy of your ministry with respect to having a preference for masters of social work and people with highly academic skills. I will get the press releases for you—press statements; they are not releases and I should not be confusing them. They are statements to the press by members of your ministry.

It raises questions: Who is establishing the guidelines for the types of individuals you will be hiring in your expanded ministry? Are they going to be out of the traditional mold of persons with shop experience or work place experience or are they going to have social work and consulting expertise? How well will they interface with the needs of employers in implementing these programs?

Mr. Tully: I am a bit uncertain as to the source of the reference to MSWs, unless it was a social worker in the ministry. I am not sure where that came from in the context of our training activity.

The point you raise is an important one and and poses a significant problem for us in terms of broadening the qualifications and backgrounds of people in the ministry. The minister referred to the problems of the whole area of apprenticeship with respect to the participation of a number of groups, including women.

In the past, women have been represented in the order of five per cent of apprenticeship trainees in the province. Obviously, to the extent that we look within the apprenticeship area, for example, for consultants in apprenticeship, we have a great deal of difficulty. The approach we have taken is to place emphasis, as you have suggested, on the capacity to consult, on the capacity for and knowledge of the training process, on knowledge about needs assessment and consulting, with less emphasis than there has been in the past on actually having apprenticeship papers that would qualify you for participation in that area.

We have found considerable success in broadening participation in the ministry by going that route.

Mr. Jackson: So that I understand correctly, who sets the policy? I am not a veteran of the Legislature so you would be doing me a great favour. It is probably so simple that I have not noticed, but who actually sets the hiring policy for the types of individuals? Does Management Board authorize it? Is it you as deputy minister who makes that decision? The minister has told me he does not get involved in these things.

Mr. Tully: The government has established the broad policy and it has been interpreted into human resource development policy by Management Board, the Civil Service Commission and the human resources secretariat. It is interpreted in terms of achieving the objectives laid out by the government, against the realities of hiring activity or the marketplace in which we are involved. We have made a great effort over the past year to broaden our hiring to include women.

Mr. Jackson: I am aware of that. I am getting that feedback. My question is more specific with respect to a training consultant who has more practical shop experience versus one who has more theoretical experience from an academic institution and their ability to relate.

You fundamentally have to make a decision through your ministry that you are going to look for people, not because of what the market bears but according to what makes your programs most effective. Given that you are merely bringing two parties together, you have to have consultative skills, but perhaps more important—at least this is

what I am hearing in the field—you have to have an ability to interrelate not only with the business you are dealing with but also the actual job that is being performed by the people you are dealing with in that business.

Is it better to take someone with shop experience, hire him and put him on a course and teach him some consulting skills, or is it better to take someone who has been through an academic stream all his life and then go and tell him to get work in a shop or work on the front-end fenders of a Ford for six months so that he is sensitized to be an effective worker in the ministry? I sense from what I hear in the field that we are getting a steady diet of one and not the other.

Mr. Tully: In the area of apprenticeship, which I think you are alluding more to, our consultants in the field are expected to deal with 66 regulated trades and more than 350 employer-sponsored trades. Our sense of where our priorities lie with respect to the skills of the people we hire is not that they specifically have, for example, tool-and-die trade papers, which perhaps would make them better at dealing with that individual trade, but that they have broad skills and qualities that will enable them to deal with the other 65 regulated and licensed trades in the province and the other 350 employer-sponsored training programs.

In the past, there has been a great deal of emphasis on having papers in order to participate in the program. Our assessment is that if one learns a skilled trade in the work place, it is easier to understand that process and learn it than it perhaps is to deal more broadly with other skills and trades.

Mr. Jackson: I will finish not with a question but with a request, given the hour. Since I have raised questions with respect to total allocation of staff complement, perhaps we can get a reconciliation of page 6 in terms of the total numbers in two ways. It is much in the way I would have asked a question in Orders and Notices. Basically, what are current approvals and what is

anticipated to the end of your term, which would be a guesstimate?

Hon. Mr. Sorbara: To ensure you get what you want, it might be more effective to set it out handwritten on a piece of paper and bring it to the next estimates. I am sure Mr. Kidd would be delighted to prepare it for you.

Mr. Jackson: I sense that the gentleman has an even better handle on it than you give him credit for. He seems most anxious to get started on it tomorrow so I will have it by Monday.

Mr. Tully: My sense is that you would like to have the number of individuals who are involved in the delivery of the programs external to the ministry; that is, consultants in skills development offices as well as consultants who are in the youth employment counselling centres and college Futures offices and are involved in the delivery of those programs.

Mr. Tully: Those numbers are not included in the complement of 444.

Mr. Jackson: Yes.

Hon. Mr. Sorbara: It might take considerable time to compile for you but we will do the best we can.

Mr. Jackson: You do not have to take the extra time to get the broader-based statistics but it would be nice to have the short list, especially when the gentleman indicated he can get that together very quickly.

Mr. Chairman: Your request is noted. I do worry that Mr. Kidd has not been connected yet to the ministry and your flow chart.

Hon. Mr. Sorbara: Mr. Kidd has been unconnected or has been disconnected for a long time but we are going to get him reconnected.

Mr. Chairman: We now have spent two hours and 45 minutes of the estimates, so we are using up the time fairly well. See you all on Monday.

The committee adjourned at 6:02 p.m.

CONTENTS**Thursday, October 30, 1986**

Skills development program:	S-621
Ministry administration	S-621
Adjournment.	S-648

SPEAKERS IN THIS ISSUE

Cooke, D. R. (Kitchener L)
Grande, T., Acting Chairman (Oakwood NDP)
Jackson, C. (Burlington South PC)
Johnston, R. F., Chairman (Scarborough West NDP)
Miller, G. I. (Haldimand-Norfolk L)
Warner, D. W. (Scarborough-Ellesmere NDP)

Witnesses:**From the Ministry of Skills Development:**

Sorbara, Hon. G. S., Minister of Colleges and Universities and Minister of Skills Development
(York North L)
Tully, D. B., Deputy Minister
Kidd, F. J., Executive Director, Finance and Administration

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